Previous references.
G.O. No 3925-26 & 30/10/97
R1219
R.7. 84 of 1896
G.O. 6572-74 & 14/4/93
G.O. 12594-6 391 & 1/7/92 (Land Rev
Later references.
G.O. No 7457-4 & 16/12/89
cir 120
G.O. 6856-8 & 20/1/89
P. cir 93
G.O. 5029 & 4/12/87
239
" 1100-4 & 12/5/85
39
R7. 174 of 1893.

1897-78
1911

File No. 236-9

Serial Nos. 1 to 21

Later reference
GAH 18-13 (1-9)

GENERAL AND REVENUE SECRETARIAT.

Later refee
GR 143-21 (1-6)

Serial Nos. 1 to 21

Part B. for April 913.

SUBJECT.

Recovery of acreage contribution and dem
rate from the Jaghirdar of Sivasamudram
on account of the extension of the Hole
channel into the inam village of Bela

1 Petn from Doomanale Ammal, widow of the
Jaghirdar of Sivasamudram on the subject
Nil 06.
2. To the Dy Com, Mysore Distt, No 8365-R7.17
forwarding the above Petn for a report.
3. From the Rev: Com, No 2616 & 21.5.1902
Dy Com, Mysore Dy Com's report on the subj
4 To the Rev: Com, No R489-R174-93 & L
the Rev: Com's opinion & Govt Order
5. From the Rev: Com, No 5032 & 24/3/13
6. To the Dy Com, Kadur Residency, No R 4
forwarding for information & reference
Govt, the draft of the proposed
issued by the Durbar on the s

from the Asst Resident, no 3243 & 9.7.04
stating that the Duffadar appears to be
unobjectionable.

8. To the Asst Resident, No Pol 52 & 18.7.04
Requesting to obtain the views of the
Court of Wards on the Duffadar.

9. From the Asst Resident, no 3908 & 15/7/04
forwarding the suggestions made by the Court
of Wards and calling for a report of the action
taken in the matter.

10. To the Dy Comr, Mysore Dt, No R 1450 & 28.8.04
Requesting him to take action as suggested by
the Court of Wards & submit a report.

11 From the Dy Comr, Mysore Dt, no 1831 & 15/11/04
stating that as the villages in question have
all been handed over to the Jaghirdar by
the Court of Wards, the Collector of Coimbatore
sees no necessity for a conference.

12 To the Dy Comr, Mysore Dt, No R 6588 & 2/12/4
Requesting him to ~~report~~ obtain the views of the
Jaghirdar in the matter.

13 From the Dy Comr, Mysore Dt, no 1211 & 19.5.06.
submitting the views of the Jaghirdar with his own
report.

14 To the D.C. Mysore, no R 1552 & 5.6.06
Requesting him to give an opportunity to
the Jaghirdar of forwarding his representation,
if any, on the subject.

from the D.C. Mysore, no 26 & 10.7.06
submitting the Jaghirdar's reply on the subject

D.C. Mysore, no R 2581 & 29.8.06
forwarding the Jaghirdar's representation
to the Rev: Comr

to Rev: Comr, no R 371 & 10.7.09 Directing that
a cutcherry for be submitted without delay by
the Jaghirdar, that he be
informed no more time will be given & that
no further extension be issued.

Office Note 1

5

~~CHIEF~~ SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT.

Regarding the classification and settlement of certain lands in the Karaiyampuram Belaka-vadi village, belonging to the jahgirdar of Tiruva-mudram.

LAST REFERENCE

~~Letter~~ Petn No. 215-3 dated 2nd February 19

from the guardians of the minor jahgir-dar of Tiruvamudram.

Petitioner states that certain old wet and dry lands in the Belaka-vadi village have been brought under wet cul-tivation by the extension of the Kaveery channel which is constructed in continuation of the old channel, and prays that the Survey classification

* Settlement of these lands may be

~~Order~~.

2. The petitioner agrees to pay the irrigation cess on the wet lands benefitted by the extension of the channel just as in the case of the lands below ~~which were benefitted by the extension of the~~ Rama-Swamy Channel Extension in the Saravanangam Poorigai village, and prays that permission may be granted her to collect contributions from the ryots on the said lands as per their Mutchalika

3. Petitioner also states that she is willing to pay the cost of the extension of the Channel in the Belakanadi village.

In the case of the extension of the Rama-Swamy Channel into

Poonigali

the Ramanaungum village

belonging to the Ramnad

Jahgirdar, Rs 35000 was

fixed as the contribution

payable by the Jahgirda

the extent of the Jahgir

lands irrigated by this

extension was Rs 1506

acres. The village of

Poonigali was ordered

to be taken under Govt

management till the

complete liquidation

of the above contribution

viz Rs 35000, together with

interest at 5 per cent

per annum on the same

In the case of Poonigal villa

the guardian of the minor

Jahgirdar prayed that the

work of extension of the

Ramanaunni Channel, shou

be undertaken by the

Govt and agreed to pay

Contri

* Vide paper No 19.

Vide paper No 14

contribution fixed by Govt
and leave the village under
Government management
till the contribution was
fully recovered. The con-
tribution was calculated
with reference to the total * Vide paper serial No 16.
extent of land brought under
cultivation by the extension
and the extent of the jagir-
dars lands benefitted by
the channel.

Secretary
Submitted. Nominees to be
informed, the present petition
may be forwarded to the
Commissioner, Agency District
for report.

11/3/98 11/3/98

Draft Subd
12/2

Note - Continued.

The representation made in the petition of the guardians, Annamalai Ammal, is as follows:-

(1) In the Saravanampatti Kalingarayi village, the channel led from the Kaveri by Govt is on the lines of the old channel that existed. Wet crop is grown with the aid of water from

the new channel.

Papers marked A in the Kannada file.

(2) The Survey Deptt have already classed and assessed the wet lands below the kaari in the village. But in consideration of the enhancement from the channel, they have to be reclassed and properly assessed, along with other dry lands that have been converted into wet lands since the excavation of the channel.

(3) The petitioners is willing to pay irrigation cess on the wet lands in Belakavadi, as in the case of lands in the Purigali village.

(4) The petitioner solicits permission to recover the amount of contribution raised by the ryots of Belakavadi i.e. the dues and the amount to be recovered by the credited to Govt.

(5) The petitioners offers to pay the cost of the channel.

The above petition was forwarded to the Dy Comr of Mysore for report. Vide his office No 8565-67 P.T. 174-93 dt 20.3.93.

Serial No 62 L-3

L: 3

The Dy Comr now forwards the report of the Dy Comr on the subject. The Dy Comr forwards copies of correspondence between himself & the Sub Divisional officer and that the last report of the Sub Division officer is exhaustive and fully explains the matter at issue.

Marked B.

The main question that has to be

the attention and enquiry of the Revenue Officers is where as alleged by the petitioner any old channel existed in the Belakavadi village and where for this reason the Jagirdar is entitled to free irrigation. From a perusal of the records, the Sub Division Officer has come to the conclusion that at the time of the grant of the Jagir, 1829, the old channel, which was excavated out in 1827 & was in action only for a day or a half, had already fallen into disuse. "On the strength of the most flimsy evidence of the mere existence of the trace of an old channel, the history of which is not preserved either in memory or in record, the Jagirdar / applicant has now put forward his claim for free irrigation from the recent channel extension, which is purely a Government irrigation work."

The extent of wet cultivation that existed in Belakavadi before the recent channel extension was A 152 - 31 G, according to the Survey accounts. The present wet extent is A 232 - 20 G in excess of the old extent i.e. A 385 - 11 G in all.

152 - 31
232 - 20
385 - 11

The Belakavadi tank was not fed by any river channel at the time of the grant of the village. The Jagirdar is not entitled to free irrigation as

is

is liable to pay to Government contribution and water rate on 232-20 (A G) newly converted into wet by the extension of the channel, as also the difference between the old rate of wet assessment and the water rate imposed on the lands directly below the channel, on the old account.

The Sub Dy Officer further reports that out of the 232-20 (A G) newly converted into wet an extent of 19-20 (A G), which formed the bed of a small bund, was sold by the Jaghirdar mother for Rs 5525 by public auction.

The main question is whether the Jaghirdar is entitled to receive the benefit derived from the extension of the channel, his liability being only to pay his quota of the cost of extension. This can be decided only when it is known under what circumstances the channel was extended, and whether at the time of extension the Inamdar was consulted in the matter of leading the channel through the Inam village and if he was, whether any agreement was entered into with him for payment of cost and other details. The records submitted by the Dy Comr do ~~not~~ not ~~not them~~ sufficiently explain all this; on the other hand there are two papers that are conflicting with each other: In the letter of the Executive Engineer to the Sub Dy Officer, French Rocks, dated

No 4 by 7-3-01 Marked C.

stated that the consent of the mother and guardian of the minor Jaghirdar was not obtained for the extension. (Please see the last para). Perusal of a petition submitted by the mother & guardian to the Sub-Judge in Nov. 1898, She states that enquiry was made as to whether she agreed to the work being carried out and that the Agent of the Jaghirdar replied that the work might be done so as to cause no loss to the Jaghirdar. There are no records bearing on either of the above statements. It has now to be ascertained which of them is true.

Paper marked A in the Kannanur file. Para 9.

Information on the following will also help Govt in deciding the question :-

(1) The total cost of the Velvar channel extension.

(2) The ~~cost~~ approximate cost ~~which~~ ~~may~~, of leaving the channel from Belaliamari, which the guardian of the Jaghirdar offers to pay.

(3) The amount of contribution due from the ryots of the inam village.

(4) The amount of the annual increase in revenue that has resulted from the work so far as Belaliamari is concerned.

A sketch showing the channel, with all details shown thereon of lands in Belaliamari is also required.

Draft calling for further information is

(9

is submitted for approval.

Hon.
23/7/03

Filed 1 Nov 2005.

H
23/7/03

The case is one in which the Revenue Commrs opinion should be obtained. The returns & records may be remitted to him without any expression of opinion by Govt for thorough investigation and early report with his opinion. Draft submitted for approval.

H

29/7/3.

Memorials A.

H.C.R.
Govt. Secy
H
Draft submd.
30/7/03.

H
1/8/03

H
4/8/03

The Dewan through
the Pr Councillor.
R. 1.8.03
night.
3.

H
3/8/3

11985
4.VIII.03.

Note - Continued.

Serial No 64.

SL 4

In Govt Order No 2-89 dt. 8. 905, it was ordered as follows:-

"The opinion of the Rev: Comr in this important case would have been of use. The records (received with the above) will now be remitted to the Rev: Comr in Mysore for favour of a thorough investigation of the case and an early report thereon with his opinion. x x"

Letter No 5232 dt 24. 8. 1904.

SL 5

In reply to the above, the Rev: Comr states that in his opinion, the Jahaginda has not shewed his case for the grant to him of any special concessions, and that therefore the recommendation of the Sub Dy Officer, that contribution and water-rate should be levied on 232-20 A G newly converted into wet by the extension of the channel and that the ~~old rate of~~ difference between the old rate of wet assessment and water rate should be recovered on the lands which formed the old achkat (52 acres), may be approved. He further states that as the ryots who take water have agreed to pay the contribution and water rate, the Govt may settle the matter with the ryots in accordance with the terms of the agreement, if the Inamdar is unwilling to pay the contribution.

Submitted with draft — for the

12/11/04

Received on 23/4/1924

[illegible] of the Secretary [illegible]

approval

PBW

25/4/1924

Please order up the Secretary's book on the draft Treaty.

Belgian Affairs
17305 325 4.24.

Serial No. 6.

6

To the First Assistant to the Hon'ble the Resident in Mysore.

Letter No. C 4/74 dated the 29th June 1904

Requests that the order proposed to be issued may be placed before the Hon'ble the Resident.

Serial No. 7

7

From the 1st Assistant to the Hon'ble the Resident.

Letter No. 3243 dated the 9th July 1904.

States that there is no information in his office regarding the claim of the Jahgirdar in question, that without knowing the facts, it can only be said that in the absence of any reasonable ground for the grant of a special concession, the ordinary rules should apparently be followed and in this view the draft order which the Darbar proposes to issue in the matter appears to be unobjectionable.

The remarks of the Court of Wards have not been obtained.

May

May we now request the Sec Acct Resid
to move the Hon'ble the Resident to forward
the draft order to the Court of Wards
for their remarks, if any?

Hill.
11/7/04

Put up draft
11/7/04. L.

11/7.

Draft submitted. Please
Hill
14.7.04. B.

14/7

Ale

Copy handed
14/7/04 & B
15/7/04.

8

Serial No. 9

From the Secretary to the Resident in Mysore. No. 3035 S. C. 105. Forwards copy of the proceedings of the Court of Wards, Madras No. 3 dt. 25 S. 05 stating that the Govt. of Madras approve of the suggestions and proposals ~~of~~ made therein ~~in the letter of the above~~.

The Court of Wards after stating the facts of the case fully, is of the opinion that it is not worth while for the judge to contest the terms of the order which the District proposes to issue. The landholder has submitted a petition, which is enclosed in the proceedings cited. The object of the Collector to the Court of Wards being suggested that the petition may be taken into consideration before the matter is disposed of finally.

In para 6 of the Court of Wards proceedings, the Court suggests a personal conference between the Collector of Coimbatore and the Superintendent to settle the line of action to be adopted having due regard to the interest of the landholder. The Court also expresses its opinion that the questions that arose in the Court to be settled at the conference are the

Recommended

MGCPB—50,000—17-2-05

Serial No.

following

i whether the jaḥāgirdar should pay the water rate, increased assessment, contributions he demanded or whether he is to leave the cultivation thereof to the Darbar.

ii. The jaḥāgirdar's right to levy the revised Settlement assessment from his tenants depends upon the settlement of the claims put forward by the jaḥāgirdars mother. It is to be decided how this right will be affected if the jaḥāgirdar elects to leave the Darbar to collect the cesses direct from the tenants & whether he will still be liable to pay the enhanced occupancy and irrigation cesses claimed by the Darbar.

iii. What is intended to represent the increased assessment. (The words used in the printed order are "the difference between the old rate of assessment & the water-rate now imposed in the 4 Z-3 & 6 wet & dual sections of the Canal).

iv. The classification of some unirrigated lands in the re-Settlement effected by the Darbar.

hect.

Serial No.

* Arrangements between the Jaghirdar & Court of Wards cannot affect the Govt & this is a matter for the Jaghirdar & Collr. Govt can only consult the persons enjoying the land as per Sanad

Some of the pensions have been granted a sum of money which is being deducted from the assessment by the Jaghirdars, objected to the revised assessment on the ground that the Tamil Sanads are inam deeds.

A translation of the Tamil version submitted by the agents of the Jaghirdar is herewith submitted.

Subd.
19/1/05

The Hon'ble the Resident requests that if there be no objection on the part of the Durbar, a personal Conference may be arranged between the Dy Comrs of the Mysore Dt and the Collector of Coimbatore to discuss the various questions raised in the proceedings of the Court of Wards above referred to and to come to a definite agreement.

Submitted for orders

20/1 . The suggested conference will no doubt enable us to obtain more precise information on certain points which are not as yet sufficiently clear. The chief point for consideration

NOTE—Contn. sheet.

Serial No.

is better the Jaghirdar can refuse to pay the additional assessment that may be demanded from him as water-rate for the facilities now provided at the expense of the construction of the channel. The chief contention on his behalf is that he is bound only to pay the cost of the bank. By doing so he virtually claims the right of receiving enhanced assessment from the ryots in possession of the land benefited by the construction of the channel. The Board practically agree with the opinion of the Court that he has not made out any case for any such exemption as the ordinary rule will regard as the liability of the Jaghirdar for water-rate when water is provided. Court by construction of a channel or bank apply [illegible] to pay water-rate as provided for by Rule 33. There is no difficulty in the case of land newly converted into wet. The only difficulty is in

In the present petition of the Board the previous arguments are only reiterated

20/7/05

NOTE.—Contn. sheet.

Serial No.

the case of lands which are already
classed as wet & for which what
has a precarious & uncertain
supply of water has been converted
into a more reliable & certain
supply by the construction of the
Lake channel. In the draft
order sent from here, it was
said that in the case of such lands
~~the duty would be~~ what would have been paid in
~~lieu of assessment of those lands~~
~~rates~~ the difference between the
wet assessment & the water-rate.
We Board think that this is
not quite clear whether by it
is meant the difference between
the ~~at~~ assessed & Dry assessment
or the difference between the Dry wet
assessment & the water-rate on the
Wet area of the village. What
the Jaghirdar is bound to pay
some equivalent & work for
the new facilities of irrigation
provided & for which terms to be
conceded by the Board. The only
question is what it should be.
The Wet assessment includes
also what may be called a water-

NOTE—Contn. sheet.

MGCPB—50,000—17-2-05

Serial No.

as one of the elements in the classification of the land. Further it is not much use to the then uncertain nature of the water-supply. Moreover, it having been once levied he cannot demand a fresh water-rate on these lands calculated on the same basis as of the dry lands. If it is proper to decide that the amount imposed for the use of water at the time of the original settlement is there can be no difficulty in deciding that the new water-rate should be, as it would represent the difference between what would now be charged for the use of water under Rule 22 & the amount charged at the time of the original settlement. But as the different factors are not allowed for separately at the time of the settlement it is not possible to determine it now. If we take it to be the difference between the revised & new assessment this although more definite & certain may not

NOTE—Contn. sheet.

MGCPB—50,000—17-2-05

17 (26

Serial No.

be quite fair if the Jaghirdar who has only to pay for the additional use of water but if necessity should be introducing other elements into the case. This therefore is a matter which may be best decided in a personal conference when all the points may be considered.

The other question is whether the Jaghirdar should pay the cost ~~of the~~ amount of contribution himself as it should be removed first itself from the ryots. The Board apprehends a point that it may not be quite to the interest of the Jaghirdar to pay it all himself in a lumpsum as he will have to recover it from the tenants themselves while if he does not pay first ~~may~~ recover it from the tenants ~~in~~ the strength of the ~~Muchalka~~ executed ~~by them~~ neither ~~he nor~~ the Jaghir being liable therefor as ~~this~~ he did not bind himself by any contract when the channel was constructed.

With regard Chairman

NOTE—Contn. sheet

Serial No.

The question is also raised as to whether ~~the additional assessment if the~~ the Inspector is bound to pay the irrigation dues in cases of ~~that~~ other lands that may be demanded & part on account of the construction of the channel. In the draft order it is stated that if he does not pay they will be removed from the lands. If these charges are not borne by the Government then he will have no right to enhance the rent under S. 86 L.R.C. But it will be a fruitful source of litigation & trouble to the first if they make the tenants liable for the same can proceed only against the interest of the tenants even which it is doubtful if it can be done in the summary manner provided for in the L.R.C. & not on the lands thereby making recovery difficult enhanced. The proposed conference may therefore produce a satisfactory settlement of all these difficult questions

&

20/2/25

NOTE—Contn. sheet

G.R.S. 12]
General and Revenue Secretariat.

1897-98 09 (22

File No. 230 of ~~1904~~ 1/11-5

Serial No.

Mr Saunders agrees to pay the ~~for~~ cost of extension of his channel but not for the water that will be supplied — i.e. he wants to take the water rate from the 190 as compensation for the cost of the extension the 1/16 to pay — he wants also to take for himself the contribution payable from the 190 by reason of the conversion of their 80 acres into rice. — If he pays a reasonable sum annually for the water (say 1/16 per acre of the 80 acres irrigated by the water) in addition to the cost of the extension of the channel he may perhaps foreclose with him.

Submitted

20.7.05

7772
21.7.05
7806

The Board of Revenue is very clear & they agree to proposals. Have no objection to conference — or to deal with Mr Saunders directly if the Board

NOTE.—Contn. sheet.

Serial No.

Towards undertaking the Jagirdar is represented by the Collector should make some preferable - the rules have all been properly framed and no change of any kind is to be attempted. Collector has announced the Dy Comr whereupon reference. Dy Comr writes that the Dy Comr has asked Govt for instructions the Collector and Government

27.VII.05 Secy

Draft accd

28/7/1905

R 28/7/05

2 drafts put up.

Secy 29/7/05

29/7/05

Passed

29.7.1905

29/7

Abstract

10 To the Dy Comr. Mysore D.O. No. R 1450 of 2.8.05. State that Govt have no objection to deal with the note directly & request him to arrange for a conference with the Collector of Coimbatore for the settlement of the claims of

NOTE—Contd. sheet.

Serial No.

of the J. Magistrate & communicate the result to Govt.

To the 1st Asst to the Resident.

Pol. No. 90 Dt 28.06.

States that the Dy Com of the Ellypore Dt has been asked to arrange to meet the Collector of Coimbatore & do the needful report the result.

11. From the Dy Com., Ellypore Dt.

No. 1831 Dt 16.11.06.

States that as the villages in question have since been handed over to the Jahagirdar, the Collector sees no necessity for this conference.

The Jaiagirdar attained his majority on the 2nd of Aug. 06 and the villages were handed over to him by the Court of Wards on 30th Aug. 06. Under the present circumstances, may the proposed order be issued? The

25/11 Previous Pol. rule charg sub putk all the funds. The ads. may be issued unless it is considered necessary that the Jaghirdar, who has now attained majority to say before passing final orders. Having

(25

Serial No.

practically admitted that there was some grounds for settlement by opening the proposed conference it will not be quite fair to regard the objection as having been withdrawn merely because the management has changed hands subsequently

9862/27-11-05 9995 25/11/05

he (the Jahagirdar) should be given a chance of representing his case - The Dy Com'r of Mysore will do this by sending him a notice

Mysore 28.XI.05.

29.11.05

30.11.05

Draft put up. Issued

30/11/05

1. To the Dy Com'r Mysore Dt.

No. S 6588 of 2.12.05.

Observes that the Jahagirdar should be given a chance of representing his case & requests him to issue a notice & report the result of the same.

13 From the Dy Com'r Mysore Dt.

No. 1211 of 19.5.06.

MGCPB—50,000—17-2-05

G.R.S. 12]

General and Revenue Secretariat.

23

File No. 236 of 1917-18

Serial No.

Forward copy of letter No. 1081 dt. 7.5.26 from the Punch Kacheri dated 10th reporting for the notice issued to him to forward any representation he may have to make, he stated that he is in correspondence with the Executive Engineer, Tikamgarh Dn. as to the amount of expenditure incurred in repairing the Nala from the limits of Belakhardi to the tank in Belakhardi & that on receipt of the information, he would be able to send his representation on the subject.

The Assistant Commissioner says that an urgent Jamindar having been received calling for immediate report, he submitted the record with the memorandum. No further report may perhaps be given to enable the Jamindar to send in his representation in the matter.

Draft put up for approval & issue

26/5/26

Put up 2/6/26

4/6/26

14. To the Dy. Commr. Chhatarpur Protected No. R. 5526 of the 3rd June 1926.

NOTE—Contn. sheet

GPB—50,000—23 10-05

Serial No.

Requested him to give the Jaghirdar another opportunity of forwarding his representation if any, & forward the Case with his remarks thereon the Rev. Commr.

Endorsement to Rev Commr.

No. R 15527 2,5/6/06 —

Forwards copy of the above, and requests him to give his opinion on all the points at issue, when forwarding the Dy Commrs report.

15. From the Dy Commr, Cuppore &c.

No 26 dated the 10 July 1906.

Forwards a communication from the Jaghirdar, stating that he will make his representation on receipt from the Ex. Engr Channels Dn, of information as to the outlay incurred in extending the Halsal Channel from the limits of the Belahanah village to the land of Belahanah..

The Dy Commr adds that he has requested the Ex. Engr Channels Dn, to furnish the Jaghirdar with the required information as early as possible —

May the further report be awaited, or the Dy Commr told that the Jaghirdar's representation should be sent by the end of this month — [illegible] till the end of the [illegible] & then issue remdr.

Sd

Note—Contn sheet

18/7/06

1906—50,000—23-10-05

14/7/06

14/7/06

G.R.S. 12]
General and Revenue Secretariat.

L.R. - File No. 236 of ~~1906~~ 1907-08.

Serial No.

The case has been pending for nearly 4 years. Despite of 19 reminders no final reply has been received in the matter. In November 1907 it was intimated by the Rev. Commr. that the Dy Commr promised to submit the report by the end of Dec. 1907. In July 1908, the Rev. Commr was requested to instruct the Dy Commr to avoid further delay in the matter and if the Jaghirdar does not exhibit sufficient interest & promptitude in the disposal of his objections, & fails to step & buy the enfranchisement and sale-sale from the Jaghirdar. Since then half a dozen reminders have been issued - and one year has passed. No reply has been received -

Subd Jr 8-8-09 -

8/8/09

Please look up a precedent case regarding the submission of a report within a month. If the delay is due to the Jaghirdar he may be informed by the Dy Commr that no further time can be allowed & the case regarding the levy of the enhanced will be disposed of

5/11/09

5/11/09

+ Flag M -

Note—Contn. sheet

MGCPB—50,000—24-7-05

Serial No.	
	Draft Submitted:
	88
	6/7/09
	6/7/09
	Inv & 6/7/09
17	To the Rev: Commr-in Mysore. C.O. No R. 371 & 10.7.1909 LQ. 236-97-17. Comment upon the delay in submitting the report due from the Jaghirdar and direct that it be submitted within a month, and that if the delay is due to the Jaghirdar, he be informed that no further time will be allowed and that the order fixing the levy of contribution and water-rate will be issued —
18	From the Rev: Commr in Mysore. No. 1601 & 3d Aug: 1909 - Forwards the report of the Jy Commr and also a copy of the Rev: Commrs Docket calling for further information on certain points, and states that if Govt consider that the Jy Commrs report contains sufficient material for the disposal of the case, & that the further information called for by him is not necessary, he will send up the connected records with the

NOTE—Contn. sheet

Serial No.

opinion for the orders of Govt.

May the Rev: Commr be requested to get the further information called for by him and submit the case finally with his opinion for the orders of Govt?

Draft submd for appl.

C.S. 18/8/09

Fwd

Bk 13/8/09

Has / am I / quite sure whether the additional information called for would justify upsetting the final decision in the case. From if concluded on both of the data in the original area of wet land at the time of the grant of the income of the addition made to it at the cost of the Jatagidar was greater than that was found to exist at the time of the restoration of the channel, the Jatagidar cannot claim exemption from payment of water-rate when the water supply is improved at Govt cost. As for the payment of cesses which it is no doubt true that the merchants taken from

G. R. S. 12]
General and Revenue Secretariat.

dR File No. 236 of 1897-98

(31

Serial No.	
	the rights do & some extent affect the liability of the Jatapadar but as to the person during benefit, I do not see why the Govt cannot fall back upon him, if there is any difficulty & recover the money from the ryots, the arrangement having been made chiefly for his convenience
	9/3/1897
	To the Revenue Commr.-
19	No-R 1584 & 19 E. 1897.-
	Replies that the further information called for by him from the Dy Commr may be obtained and complete report submitted at a very early date, with his opinion.-
	From the Rev: Commr.-
20	No 3982 Dated the 13th Decr- 1897.
	Submits the final report with his opinion for the orders of Govt
	The question has already been discussed at length - The Dy Commrs letter and the Rev: Commrs letter contain three views with reference to the arguments now advanced by the

× Blue Mag. 9.3.

NOTE—Contn. sheet.

GPB—50,000—13-5 08

Serial No.

Jaghirdar against the levy of contribution and water-rate —

The following are the salient points urged by the Jaghirdar, in support of his Contention —

Firstly — That by the extension of the Madhavamantri channel to Belakavadi, Govt have not created a new source of irrigation but have merely restored an already existing channel which had fallen into disuse for want of repairs, and that he is not therefore liable to pay any contribution or water rate in respect of lands which were not at the time of the grant of the Inam village, in accordance with the principle laid down, in G.O. No 16512-21 Q2029 dated 1st April 1893 —

4 Pleg M.

The oral and documentary evidence relied on by the Jaghirdar to prove the existence of an old channel are noted below: —

1 x Pleg E.

(1) The Sanad of 1829 granting Belakavadi & certain other villages as Personal Inam to the present Jaghirdar's grand father Ramaswamy Nadaliar —

GPB—50,000—18.5.08

Serial No.

This merely authorizes the grant to Govt. lands, Kalvé &c within the limits of the Jaghir villages and says the additional benefit to be derived thereby and does not refer to the existence of any channel —.

× Hag C

(2) A letter× dated the 29th April 1835 from one Mr. Green (Engr.) to the Jaghirdar - (copy) -

× Hag J.

(3) A Tamil letter× dated the 30th March 1835 from the Jaghirdar to the Amildar

Nb. These two letters refer to a project (copy) for conveying Kanni water to Belaka and through the Tallad channel passing thro' Nalasal village —

(4) A Kalla Vari account of the village Appointed out by the Rev. Commr., which refer to a Kalve or channel as being close to some fields and do not indicate what channel it was —

× Hag J

(5) Letter no.× 1476 dated 29th Sept. 1874 from the Dy. Commr. of the Mysore Div. to the Jaghirdar - (copy) -

This refers to the existence of a channel neglected for many years & requires the Jaghirdar to whether he would bear a proportionate share

NOTE—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

of the east & extending the channel whereby about 1000 acres of Jaghir land could be irrigated—

(6) The testimony of an old ryot to the effect that a channel had been opened for feeding the Belaka-wadi tank a few years before the grant of the village in Inam and that the channel was in action only for a few days—

Is it possible that ~~M~~ a channel which was opened & ~~xxx~~ which was in action for 10 or 15 Days, Could have fallen into disuse within so short a period? —

It is clear from the above that from the date of the grant of the village (ie 1829) till recently the tank was not fed by the Kanesi water, that the old ~~ex~~ tract lands of the village mainly depended for their irrigation on the tank water, and that an attempt was being made to get the river water into the limits of the village.

Secondly — That if Dennis his minority & his mother or the Jaghirdar's agent had known that the Govt would demand a heavy contribution on water-rate on the lands irrigated

NOTE—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

by the extension of the channel, they would not have consented to the work being carried out by Govt. With reference to this point it may be noted that the Jaghir Agent was indifferent in the matter and merely stated that if by the extension of the channel Govt considered that the jaghirdars would be benefited, the work might be carried out; but that the rights passed for the extension of the channel agreeing (by Mutchalikas) to pay contribution and water-rate. Therefore the work was undertaken and carried out by Govt as it was advantageous to the jaghirdars whose lands to the extent of 1000 3000 acres were expected to be irrigated by the channel - After the work was undertaken by Govt, the jaghirdars mothers not being well informed of the advantages accruing by the extension of the channel, raised some objection, and finally thanked Govt for having undertaken the work - (vide Channel Dr Exchange letter No. 2341/194 dt 12-2-94 to the Inspector) Briefly - as regards the allegation that the extent of wet cultivation in the

Blue flag L - (old correspondence)

Red flag H -

NOTE—Contn. sheet.

BPG—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

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Serial No.

village at the time of its grant in 1829 was 77 1/5 Kandagans, that afterwards owing to the disrepair of the channel the extent decreased to 40 Kandagans, and that again it rose to 77 1/5 Kandagans after the restoration of the old channel recently, it has been clearly pointed out by the Rev: Commr. that a Kandagan is a suitable for a Kani, that in no years upto the x date of the Survey Settlement, the old extent of wet cultivation was more than 4 q Kandies, the wet extent recorded in 1894 being 45 1/6 Kandies or 77 1/5 Kanis (equal to 102 1/2 acres at 1.32314 acres per Kani) - The Samud does not specify the extent of wet cultivation. Therefore, the ⊗ extent classified and recorded as wet by the Survey Deptt. prior to the opening of the channel in 1903-04 has to be adopted for the purpose of deciding the question of assessing the total extent of wet cultivation after the opening of the channel being 381 acres-6 assessed at Rs 2253-0-0.

x 1892-93.

A 9
Rs 152-31
becomes an assessment of Rs 437-8-0

381-6
152-31
228-15

The next and the last point is that on the grounds urged by him, he has to pay only the proportionate cost

NOTE—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

of extending the channel, he being entitled to levy contribution and water rate from his ryots =

Blue + Reg K.

[The Channel Dr. Ex Engrs letter no 131 & 26th March 1908 shows that the proportionate cost of extending the channel to Balakawadi (visible from the Jaghirdari is Rs 24234/- with interest at 4 p.c. thereon from the date of completion of the channel (viz. 1893-94, to 1906-07) amounting to Rs 8724] =

+ Rule 33 of the L.O. Code.

Under the existing rules and orders, an Inamdar, who is not entitled to free irrigation under the Sanad, is bound to pay contribution towards an irrigation work constructed at Govt cost, and water-rate for the use of Govt water = In the present case, whether the Jaghirdar should pay such contribution and water-rate in respect of both the old Wet area and the Lands newly converted into wet, or only the latter.

(4) G.O. No. 1100-98, 12-5-35 (Reg D - G.O. No. 5029-239, 4-12-07 (Reg O. G.O. No. 1672-21 & R 2029 1-4-1893 (Reg M - G.O. No. Comp. 1382-1081-10-38 (Reg P.)

The Rev: Comm^r. is of opinion that contribution @ Rs. 1/- per acre and water-rate @ Rs. 4/- per acre may be recovered, in respect of lands newly converted into wet; and an average

ready 234 acres.

NOTE—Contn. sheet.

G. R. S. 12]
General and Revenue Secretariat.

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(35

Serial No.

Confirmation of Rs. 7/5/- and a water-rate equal to the difference between the old and new wet assessment in respect of the old wet lands (152 acres) on the ground that additional value has been conferred to them by the improved permanent water-supply, and that consequently the Jaghirdar has been enabled to levy increased assessment from the Submitted for orders.

Reg N. Vide G.O. No. 6856-8-P.ev-193-8-1911-1559

X

Rs. 0 0
Old assessment 1437-8-0
New " 916-8-0

28.1.10 [It may be noted that the last weather supply to the Chandrama-nandir channel having been ordered to be withheld in the months of March April & May in connection with the electric power, the assessment of the lands irrigated by this channel in the Belakavadi village, hamlet included from Rs. 2253/6 Rs. 1738/, and the Jaghirdar requests that the loss of Rs. 515/- may be made good to him. This is being dealt with separately.)

X in Dec-1901

Rep. of Sl. No 76/R 28/1/10

1st February 1910

Forwarded with Note 6 the Copy of Survey Settlement Report of Survey Commissioner's Proceedings

NOTE—Contn. sheet.

3PG—55,000—27-4-09

Serial No.

be suitable and extremely fair to the Jahagirdar

B/6

Petty Diwani

31.1.10 Jr Secretary

Q.N. Dt. 13/1/10 Jamma signed with the Revenue Commissioner's proposals.

1/11/2

Strictly speaking, under Rule 33 of the Land Revenue Rules, no remunerative, waste or pasture land, even on the extent of the old tank bunds. Taken on suitable consideration, lapse to the Govt on the said lands of the difference between the old and new rates of assessment are waived, vide.

Lapse) Sanctioned

D. Nanda Rao
Asst.

Submitted for orders.

88 11/2 CV

Please put up a draft according to the R.C's recommendation

2/1/10

NOTE—Contn. sheet.

BPG—55,000—27-4-09

G.R.S. 12]
General and Revenue Secretariat.

L&R File No. 236 of 1897-98

Serial No.	
	Draft submitted S&W 4/2/10 The Draft clearly explains the case. It is however submitted for consideration whether full and complete justification in keeping the whole difference between the new & old rates in case of wet land, which have their underlying merits removed as the Jalaguidan circle by carrying out the new a part of the additional value contributed to them. We by immunity rate 1R per acre & to low & hilly tracts left the difference between the 2R per acre and the 1R/ new rate would be fair L 22/4/10 Dewan 4777 1.3.10 SB Minute Paper — SB/Mo Initiated & submitted Ist — [illegible] is an important & necessary change in the case of the water rate. The institution is a part of the betterment which has accrued to the landowner — [illegible] was willing the [illegible]

NOTE—Contn. sheet.

GPB—55,000—27.4.09

G. R. S. 12]
General and Revenue Secretariat.

L K File No. 236 of 1877

38
41

Serial No.

Name, Caste & Residence
Mayasne
Nanje

N. 8 Nanje

B
and Sho

B
8/11
A
H/11

21 To the Rev. Com^r in Mysore, Com-missioner, Chief Engr and the Tahsildar of Sirdamdrum
No 2035-8/H/12336-97-21/15-5 Nov 1912.

Observes that the Tahsildar is not entitled to be exempted from payment of acreage contribution and water rate; and directs that the extent classified and recorded as such by the Survey Department prior to the opening of the channel be adopted for the purpose of calculating the amount; and that the acreage contribution and water rate be levied on lands newly converted into wet at the rates of Rs 15 and Rs 4, respectively, and on other lands which were formerly wet, the amount of contribution be reduced to Rs 7/8 per acre

WB
11/2/1913

NOTE—Contn. sheet.

GPB—55,000—27.4.09

Serial No.

and that the difference between the original and the new wet assessment thereon be taken as the water rate, and calls for a report as to whether the acreage contribution has been fully recovered in the case of other villages under Hosdl, Madigal, Hagli-pur and Kotagade.

The files received with the Rev Comr's letter of 13th Dec 1909 were not returned when Tribunal order was passed.

Sent with draft returning the records.

28-2-27 88
28/3 88/28/13

Issue 6v 31/5

To the Rev Comr in Mysore
No 5537 of 3.4.1913.
Returns the enclosures, received with his letter of 13th Dec 1909.

M 1/13

To the Branch Secretary
for consideration
Asst. Secretary 4/2/98

In regard the matter contained in the letter replying the petitioners letter Rajamundry made a personal representation to the Collector - He informed that the matter is under consideration, that the petitioners were not issued the required patta, inspite of their application, that the amount of Assessment, payable by the Ryots would be fixed. The Collector also advised the representationist to send in their petitions to the Collector of their grievances.

Asst. Secy
7/2/98
Refer quick
25/2/98
Submit to Revenue Branch
Secy 2-3-98
Submitted
26/2/98
To Revenue Branch
Secy
28/2/98

592

189 (60)

No. 2153

Name of Petitioner: Mr. Ramanadha Rau
Mirasidar of the Jaggayyapeta Village

Village: Srikakulam

Taluk: Narsapur

District: Kistna

Date of Arzi: 2-2-98

Date of Receipt: 21-2-98

Date of Disposal:

No. of Enclosure: —

ABSTRACT

Petitioner states that some of the lands of Srikakulam village were converted into wet by the introduction of new channel for the benefit in consideration of the old that the new wet lands may be surveyed and assessed properly the Survey department that the petitioner pay the increased

...ori village ... part
...the Bay ... in Poorigali village;
...at the petitioner may
... permitted to collect
... contribution from
... ryots in accordance
...with their Mulelahika;
...at the petitioner is
...ady to pay up the
...st of introducing
... nella to Velcheri
...llage; & that the
... ner Dubermitte d
...tion No 61 & 21-12-26
...ay. bonus to the
...e effect ~~with some further with~~
~~directions to the Board~~
...ent profit. The
...titioner prays that
...above points may
... considered by the
...d. & equitable orders
... passed.

MJG.

From

Umamalai Ammal,
mother & guardian of the Sivasamudram
Jahgirdar

To The Manager of the Sivasamudram
Joghir Estate.

No. 45, dated Madras, 25th February 1905

We have received your yadast No. 549 dated the 13th February 1905.

The ryots of the Grahasur village, having known that the Mysore Govt. had ordered the extension of the channel from the Talakad Madhava Mantri Anicut to the Madavadi village via Holasal, petitioned that the channel may be extended as far as their village. On this, it was ordered that as the income to be derived was less than the cost of the extension of the channel, the matter would be considered in case the channel ~~should be~~ was to be extended to the Belakavadi tank.

The ryots of Belakavadi, ~~thereupon~~ on learning the above order, requested the Executive Engineer of Mysore, Mr. Kurie, when he has gone to the Belakavadi village, on his way to Sivasamudram, to lead the channel to the Belakavadi tank. He said that he could not interfere as it was a Sarvamanya village, but felt, if the Jagirdar accepted, he would

have it done. When the Sub D.n Officer of French Rocks, Mr. Nanakul Rao, and Mr. Ramaswami Iyer, Amildar of Mahvalli, had come to the Belakavadi village on Jamabandy duty, the raiyats of the village represented to them that the tank should be supplied with water, that they came to know of the arrangements made to extend the channel to a distance of a mile from Belakavadi, & that there was a trace of an old channel which led to the Belakavadi tank within a distance of a mile from the Jagir tank, and requested that the channel might be extended and water supplied to the Belakavadi tank. The Amildar and the Sub D.n Officer after personal inspection of the old channel recommended to the P. W. Deptt that the work was necessary and should be undertaken. Thereupon the P. W. Deptt directed the Amildar to enquire whether the Jagirdar consents to the work and to forward the records connected therewith. The Amildar accordingly took the deposition of Raja Mudaliar, the Agent of the Jagirdar, who said that it seemed to him that as there were very few wet lands under the tank the income to be derived therefrom would be less than the cost of the extension and that the Jagirdar would not be benefited thereby. He further deposed that

in case Govt. considered that the jaghirdar would be benefited by the extension, it might be done and that these facts would be communicated to the guardian of the jaghirdar. That this deposition was forwarded to the D.P.W. will be found in the registers maintained in your office.

2. Since the above deposition it is not known under what circumstances the channel was led to the Belakawadi tank

3. After the channel was extended it was ordered that the water-rate and contribution should be levied on the lands brought under cultivation and paid to the Govt. On this, a petition was submitted to the Dewan requesting him that the right of levying the water rate and contribution might be vested in the jaghirdar and that the cost of repairs &c to the channel recovered from him. Subsequent to this the Estate came under the management of the Court of Wards, Madras. The records connected with the old channel, viz. letter dated the 29th April 1835 from the Engineer, the original plan of the channel and other important records were sent up letter no. 169 dated the 3rd April 1900 (Enclosures 35 records) to the Dy Collector Kollegal Divn.

4. We understand that you and the Collector of Kollegal Dn have inspected inspected the trace of the old channel

5. We much regret for the order, intimated by you, that the water rate should be paid to the Mysore Govt.

6. That the Jaghirdar should be invested with the right to levy water rate & contribution on his paying the cost of the repairs to the Holesal Nala is the only arrangement which is not inconsistent with the Sanad granted by Sri Krishnaraja Wadeyar.

If orders are not passed as above they will be inconsistent with the condition in the Sanad in the matter of the income due to the Jaghirdar. As the Jaghirdar is solely entitled to all rights in the above matter according to the Sanad, We request that you will recommend to the Court of Wards that the Jaghirdar may be invested with the right of levying water rate and contribution and that the Mysore Govt. may kindly recover the cost of the repairs &c to the channel from the Jaghirdar.

7. After the deposition of Rajoo Mudaliar Agent, no further action was taken in the matter. But the nala is properly repaired and water regularly supplied. Such being the case we do not understand how the Mysore Govt took a mutchilika from the ryots &c to supply water and levy water

(Sd) Kumaraloi Ammal
Guardian

Madras
25/2/05

LC 236 of 97-98
Sl. No. 2.

Draft as approved

(67)

To

The Deputy Commissioner
Mysore District.

No. S-5-66-
R.F. 174-93-94 dated 10.3.98

Sir,

No. [illegible]
R.F. 174-93-94
Dated 15/3/98.
Despatched.

I has the honor to forward herewith the accompanying petition Registered No. 2153 dated 2nd February 1898, received from Doorandale Annual, mother of the Jaghirdar of Srirasamudram, praying for early classification and settlement of certain lands in the Sarvamanyam Belakavadi village belonging to the Jaghir and to request that the Dy. Comr. will be good enough to submit a full report on the matter. Subject

By order

14/3/98
Jr Secretary

12/3/98

R4057/8

L.R. 230 of 97/98
8. No. 3.

(63) 1903

OFFICE OF THE
Rec'd 12674
25 MAY 1903
REVENUE MYSORE

From

V. P. MADHAVA RAO, Esq., C.I.E.,
Revenue Commissioner in Mysore.

To

H. V. NANJUNDAYYA, Esq., M.A., M.L.,
Secretary to Govt. of H. H.
the Maharaja of Mysore,
Revenue & General Depts.

Dated 21st May 1903

Despatched 23rd

Received

General No. 2616
No.

Enclosure No. 1 & 2

Has the honor to forward herewith in original letter No. 1161 dated 18th/ 19th May 1903 from the Deputy Commissioner Mysore District (with enclosures) submitting a report on the petition of Voonamale Ammall which is a reply to Secretary's docket No. 8565/ R.F. 174-93 dated 15th March 1898.

For Revenue Commissioner.

23.5.03

MGCPB—28-2-03—2000.

Refer to first ref. letter

REVENUE COMMISSIONER
BANGALORE

1902 1934

From

The Dy. Commissioner
Trichinopoly

To

The Revenue Commissioner
Madras

Dated 18
Despatched 19 3 May 1902
Received

General No. 1161
No.

Enclosure No one file

Reporting upon
the petition of
Vedamale Ammal

1161

No.

Office of the Deputy Commissioner,
Mysore District,
Dated Mysore the May 1905.

From

M. Kantaraja Urs, Bg. B.A.
Deputy Commissioner of Mysore.

To

The Private Secretary, Esq. C.I.E.
Revenue Commissioner in Mysore.

Sir,

With reference to docket No. 5505 - R.E. 94-93, dated the 15th March 1895, received from the Secretary to Government of Mysore in the General and Revenue Departments, forwarding petition of Veerannah Ammall, praying for survey, classification and settlement of certain lands in the Kasaba Periyapatna Valley belonging to the Jagir of Lakshmanrao, I have the honor to forward herewith copies of the marginally noted correspondence between this Office and the Sub-Division Office of French Rocks on the subject.

The final of the letters quoted in a report

made

1. Petition of Veerannah Ammall dated 15th March 1895 from the Sub-Collector (Enclosure).
2. Letter No. 1236 dated 17th June 1895 to ---
3. Do. No. 305 dated 30th January 1901. to ---
4. Do. No. 1067 dated 11th April 1905. from ---

Made by Mr. K. P. Pattanaik Retty, Sub-Division Officer of Nanch Rocks in reply to Government Proceedings No. 3553 R. 1235 3 of 1st October 1910, as the Lands benefited by the extension of the Kolsal Channel.

The second report submitted by Mr. Venkatachetty, Sub-Division Officer, in explanation of the points raised in Vena: mala Anmalli petition, Reg. No. 2153 of 2nd February 1911, upon which the present report is due having considered the first report in certain details, the same was posted out to the present Sub-Division Office with certain observations in this Office letter No. 205 of 5th January 1911 and I am glad to say that this report just received is exhaustive and fully explains how matters stand.

3. The remarks records together with the appeal petition are herewith returned.

I have the honor to be, Sir,
Your most obed. servant

Dy. to Commissioner

(12

No. 269.

Sub-Division Office, French Peak,
Dated French Peak 1st August 1897.

From

The Sub-Division Officer, French Peak.

To

The Deputy Commissioner, Nyasaland District.

Sir,

With reference to your goodself No. 783 of the 19th November 1896, forwarding for report, copy of docket No. 55-89 R. 1235 dated 1st October 1896, from the Secretary to Government invites sale and contribution recoverable on lands that will be benefited by the extension of the Govt. channel in the Malanalii Island, I have the honor to reply to the Secretary's queries seriatim as follows.

1. The Amildar explains that the omission to charge water rate on inam dry lands was a mistake. These lands as well as the lands situated in the Government Village of Kirangaeer having to be charged with water rate with reference to the Survey assessment of similar irrigated patta lands under para 2 of rule XIX of the rules under the Land Revenue

Code, the same has been done now and a revised statement is submitted herewith

2. The water rate of Rs. 450-00 shown in the statement submitted in the first instance against the lands of Government village of Kinagavam is not recoverable from the inamdars as stated by the Deputy Commissioner in his letter to Government. It is recoverable from the Kinagavam ryots holding Government lands.

3. As regards the omission to enter cultivation of wet rate against some of the inam lands shown as fallow but on garden it has to be explained that under the terms of the Government order No. 1882-90, dated 24th October 1888 cultivation being levied on dry lands converted into wet by irrigation work (new extension and improvement) (old works) and not on wet or garden lands, water rates obtaining prevailing in the neighbourhood prescribed in para 2 of rule XIX were charged on them and the difference between the old and revised assessment and the revised one was exhibited under

the

the head "reserved interest in the revenue over the existing wet and garden lands of the Jahgir" - adverted to in the concluding portion of para 3 of the Secretary's letter.

4. The Helical extension channel is purely a Government irrigation work. The Inamdar contends that there was an old irrigation work; that it fell into disuse years back and the Government having since repaired it, he will pay a share of the cost of such repair proportionate to the extent of the benefit accruing to him thereby. This contention has no foundation in fact, the channel making no mention of any nalla (channel).

5. The Malavalli Amildar's report No. 993 dated 30th June 1897 is enclosed.

I have &c.

Sd/ K. P. Puttanna Chetty.

Asst. Collector & Deputy.

French Rocks.

Copy.

Continued

for Offg. Commissioner

Mysore District.

WS

(45)

Sub Division office

French Rocks

Dated 17th November 1899.

No 506

In one file of V.P.+ other records as per Peristk.

From,

The Sub division offical

French Rocks.

To

The Asst Commissioner

Mysore District

Sir,

With reference to your docket No. 3403 dated 22nd March 1898 giving cover to the petition Registered No 2153 dated 21st February 1898, Government petition Department) of Ommanda Amanalai, Mokte and guardian of the Jahagirdar of Sivanasamudram re-contribution and water rate on lands

lands converted into wet by the extension of Holesal-channel in Sarvamanya Belakanadi village, I have the honour to report as follows:-

In their Proceedings No. 3925-26 / R 1219 dated 30th October 1897, the Government ordered the levy of water rate and acreage contribution on both Government and Inam lands (as specified in the margin) which were benefitted by the extension of the Holesal-Channel in the Malavalli Taluk. Steps were accordingly taken for the recovery of the amount but the Jahagirdar of Sivasamudram objects to pay the contribution and water rate on lands in his Inam village on the following grounds.

1. That the Holesal-Channel was

1	Sarvamanya Belakanadi village	Contribution	1108-14-3	636-2-0
2	Do	Water rate	301-8-0	107-5-7
3	Inam Kingahini do		1409-5-3	577-10-2
				1821-0-11
			3206-8-0	1638-8-11

Revenue in the Revenue and Public Works Department
No. 8 Dated 22nd
1897

not a new Channel excavated at the cost of Government, but that it was an old Channel, having been in working order at the time of grant of Inam.

2. That the lands on which Contribution &c. is demanded were wet at the time of the grant of Inam, being irrigated from the said Channel, which fell into disuse probably a few years after the grant of the village as Inam and that the Government have only restored it and that he will pay the proportionate cost &c.

Now the following points have to be considered with reference to the instructions contained in Government proceedings No $\frac{\text{No } 572-21}{\text{R. } 2025}$ dated 1st April 1893 and the matter decided

once for all.

(1) Whether the Nolsal Channel was in existence and whether it was an old source of irrigation that was in use in the Belkanadi village when it was granted as Inam to the Jahagirdar and fell into disuse afterwards.

(2) The extent of land which was irrigated by the Nolsal Channel in the year when the Belakanadi village was granted as Inam.

(3) The extent of land which has not been irrigated from the above source when the Channel got into disorder and the same now brought under irrigation by the repairs of the Channel.

In support of the 1st question, the following documents have been produced by the Jahagir manager (1) Copy of

(19

letter no. 18/1476 of 27th September 1834 (74

from the Dy Commissioner Mysore District

to the Jahagirdar of Sivanasamudram

in which the Jahagirdar is requested

to state if he is willing to bear a proper-

-tionate cost with the Government

of the execution of the Channel and

that it will irrigate 100 acres of land

in the Jahagir and that he will duly

consider the heavy loss which his

Ryots suffered for many years

past owing to the neglected state of the

Channel.

(2) Letter dated 29th April 1835 from

Mr. C. Green to the Jahagirdar Ramanna

Medalia and his reply dated 4th May

1835.

(3) A Survey plan showing the traces

of the old Channel.

4. Yadi No. 176 dated 16.6.92 from the agent of the Jahagirdar to the Amildar of Malvan regarding the repairs to the Nala.

5. Petitions from the Raiyats of Belakawadi village praying for the restoration of the Nala.

From the above records, it is evident that there was a Channel from the Kanery river to Belakawadi Tank via Kolesala and it having fallen into disrepair, its restoration was under contemplation. There are even now traces of an old nala leading to the Belakawady tank. As regards the 2nd issue, the Yadi does not mention the existence of any nala nor does it show the extent of wet irrigation when the village was originally given as Inam but the

names of two tanks are mentioned.
viz Pelakanady tank and and the
to the north of it.

From the old Adangal accounts
however, of the Pelakanadi village
we find that there were 77 Kandre
(Kanies) of wet land in the year
Vervathi (1829). ie the year when the
village was alienated to the Jahagirdar.

As regards the 3rd point, it is
found from the entries in the accounts
of the year 1890-91. Vikrithi of the Inam
village of Pelakanadi that there was
a fall in the wet cultivation to the
extent of 37 Kandies out of the above
77 Kandies. When the village was
surveyed and settled in 1892-94
26 acres and 22 guntas were

Channel caused under the Belakawadi tank and after the channel was restored and water let into the tank, additional lands to the extent of 47 acres and 37 guntas were converted into wet as per measurement list furnished by the Mozinidar specially deputed for this work. Thus the total extent irrigated from the sluice of the Belkawadi Tank is 175¼ acres and 19 guntas.

Besides these, there are 184 acres and 23 guntas brought into wet cultivation by means of water supplied direct from the Main and the Cody Channels.

From the study of these records, I arrive at the following conclusions.

(1. That there was an old channel

in existence and that 77 Kandies were under wet-cultivation at the time the village was granted as Inam. Therefore the Inamdar is entitled to pay neither Contribution nor water rate for the lands below the Tank which now amounts to 174 acres and 19 Guntas as per particulars given above, but that he should pay under existing rules a share of the cost of such repairs proportionate to the extent of the benefit accruing to him thereby. This the Government should decide.

It may also be stated that this extent may be considered as equivalent to 79 Kandies making allowance for the excess found generally when the exact measurements of lands are taken. As regards

the extent of land viz 184 acres and
23 guntas which are as stated above,
irrigated directly from the Channel
the Inamdar is bound to pay acreage
contribution and water-rate:—

The records connected with this
case are submitted herewith for
orders.

I have the honor to be,

Sir,

Your most obedient servant

Sd/ M. Chenjiah Chetty

Sub-division office

French Rocks

Copy

Collectorate office

for information

Mysore District

JMR

25

1899-1900

From

The Commissioner

Devaswom

To

The Sub Divisional officer

Tirur Rocks.

Dated 3d January 1901

No 205.

Sir

With reference to your predecessor's letter No 506 dated 17th November 1899 re-porting on the petition of Poonnanole Ammal mother and guardian of the Jagirdar of Sivasamudram, regarding the levy of contribution and water rate on the lands of Sivanamayam Belakavadi village converted into wet by the existence of Poloral Channel, I have the honor to observe that the opinion expressed by Mr C Kengrale Chetty is opposed to that recorded by the K.S. Pallamal Chetty

in his letter 264 dated 11th August 1897 in
which it is stated that the Halesal Valaiyan
Channel is purely a Government irrigation
work and that the Inamdar's Contention
that it was an old irrigation work
since repaired by Government has
no foundation in fact, the Samad
making no mention of any nalla c
(Channel). The point requires further
investigation and scrutiny.

It is necessary satisfactorily to
ascertain whether at the time Belakavasi
was granted as an Inam, the tank of
that village was fed by a Government
irrigation Channel from the Cauvery river
and if so whether that was the only source
of supply to the tank and whether the
Halesal Channel alleged to have been
repaired is the identical work. It should
also be reported whether the tank at
Belakavasi did receive any supply
of water and if so from what source

Since the time the channel referred to fell into disuse and up to the date of its restoration what income if any was annually derived from the wet lands under the tanks, during that period may easily be ascertained by the examination of accounts kept by the Jahagirdar.

The mere fact that there was wet cultivation under the tanks in the Inam village is per se no sufficient evidence of the Inamdars right to irrigation from the river through a Government Channel.

It is probable that prior to the extension of the channel under reference to the Inam village some correspondence passed between the Revenue & the Public Works department and the Jaghirdar on the subject of the water rate and contribution leviable on the lands benefited by the extension. You are requested to obtain the entire file of correspondence

2[illegible]

and forwarded the same to this Office for reference.

A map shewing the whole length of the channel from the anicut to the sea beyond the village through which it passes, should also be submitted for information.

The records ending your No 405 dated 18th December 1900 are herewith returned for reference and retransmission

(Signed) C Chadwick
Dy Accountant
Irrigation

"Copy"

Illegible
Dy Accountant
Irrigation

HMK

(29

190/

From
The Executive Engineer
Mysore Division

To
The Sub Divisional Office
French Rocks

Dated 7 August 1901.
Despatched 10
Received
General No. 469.
No.

Enclosure No.

With reference to his no
88 of the 25th. ultimo, has the honour
to inform him that the Holesal channel
was extended into the Belakavadi Jahgir
on the requisition made by the Sub
Divisional Officer in his No. 42 of 31st
July 1890 to the Deputy Commissioner stating
that the ryots of Belakavadi promised to
pay contribution and water cess direct
to Government. Copy of which is here
enclosed for ready reference.

MGCPB—50reams—6-12-02.

2 The ryots of Belakavadi and Kiragasur in the Nelamangala Taluk executed Muchalikas binding themselves to pay contribution as laid down in the Government Rs: Camp No 1382-96 of 18th October 1888 within 5 years from the date of water supply to their lands from the extended channel and water cess at Rs 4 per acre, and in default all their lands will be at the disposal of Government.

These Muchalikas were obtained and forwarded by the Revenue Sub Divisional Officer to the Deputy Commissioner (vide Sub Divisional Officer's yadi No: 1883/1198 of 16.12.93) and they were returned to the Deputy Commissioner with this office No: 5153/538 of 12th December 1893.

3. Subsequently on a petition received by the Chief Engineer from the mother and guardian of the minor Jahgirdar of Belakavadi (vide Chief Engineer's no 1302 of 13th March 1894) he directed this office to ascertain from the Revenue Department whether the consent of the petitioner to the extension of Holesal channel within the limits of Jahgir was obtained. The Deputy Commissioner in reply stated in his No 5/8 of 20th June 1894 that the consent of the petitioner did not seem to have been obtained.

Signed N Srikantiah
For Executive Engineer on

Copy.
Sd/ N. Venkata Rao
Sub Dy Off Ramanagaram

Copy

Sd/ Illegible
Dy Commissioner

(31

1902

From

The Sub Division Officer

Tenkanakote

To

The Deputy Commissioner

Mysore District

Dated 11 April 1903

Despatched 16

Received

General No. 687

No.

Enclosure No 7 as per margin

Memo of Enclosures

1 One file of 11 papers as per Margin (No 1 to 81)

1 Map of Belakavadi village.

1 do Holesal

1 do Mukkina.

1 do Vatgundahalli

1 Tracing showing the Belakavadi land and the line of Holesal channel

1 Copy of docket No: 466 of 3-8-97 from the Executive Engineer, Mysore

7.

Submits report on the levy of Contribution and water rate on lands covered into wet by the Extension of the Holesal Channel in the Sunnamangala Belakavadi village, Malvalli Taluk.

MGCPB—50 reams.—6-12-02

№ 687
Surv.

Sub Division Office,
Tenali Rocks.
Dated 11/16th April 1903.

From,

N. Venkata Rao Esqr:
Sub Division Officer
Tenali Rocks

To

M. Kanta Raj urs Esqr:
Deputy Commissioner
Mysore District

Sir,

In advertence to your letter no 205 of 3rd January 1901 and subsequent reminders calling for further report in re the levy of Contribution and Water rate on lands converted into wet by the Extension of Holesal Channel in the Sivamanya Belakavadi village, Malvalli Taluk, I have the honor to report as follows——.

Mr K.P. Poonnacha Esqr, the Sub Division Officer, having accepted the opinion of the Amildar of Malvalli (Vide his report on the petition of Unnamalé Ammal, addressed to the Deputy Commissioner) held that as no mention of the nala (Channel) had been made in the Sanad, the Extension of the Channel in question, was purely a Government irrigation work and that there was no

× Vide letter no 2695 of 11.8.97.

Query no 1.
The opinion referred by Mr Shengia Esqr is opposed to that recorded by Mr K.P. Poonnacha Esqr.

No channel in the Inam village when it was granted to Ramaswami Modelliar in 1829.

A petition of the minor's mother addressed to Government and dated 21. 2. 1898 having been referred to this Office for report, Mr. Chengia Chetty who was then in charge of this Sub Division called upon the Jahgir Agent to appear before him with all available records supporting the Jahgir contention.

The following documents were produced by the Agent showing that an old nalla had existed in the village of Belakavadi when it was granted as Inam to Ramaswami Modelliar, the ancestor of the present Jahgirdar.

(1) Letter from Colonel Green under date 29th April 1835.

(2) Letter from the Deputy Commissioner, Mysore no 18 of 27 September 1874.

(3) A plan of the Nala; and

(4) Some old accounts.

On perusal of the above records and after a local

local enquiry Mr Chengia Chetty gained that an old river channel did exist when the village was granted as Inam in 1829 to the ancestor of the present Jahgirdar, though no mention of it is made in the Inam Sanad as observed by Mr K P Padmanna chetty.

Vide Letter No 506 of 17th Nov 1899

The Jahgir Manager in his letter no: 102 of 23d August 1901 has stated that at the time of the grant of the Belakavadi village as Inam, the tank thereof received its supply not only from the Holesal Channel but also from the jungle Streams; and that since the channel fell into disuse, the said tank had been fed by jungle Streams. The Manager having been asked if he could produce any record to show when the old channel in question was opened, how long it fed the Belakavadi Tank and when it ceased to do so he has stated in reply that no such records are available.

Query No 2.

From the Malvalli Taluk Amildar's report No 783/939 dated 13th July 1897 (filed in the Vernacular records) it appears that the Belakavadi village, before it

it was granted as Inam to the present Jahgirdar's ancestor had been held as Jodi by one Keshu Ranga Char about the year 1827, that this Jodidar had cut a channel from the Madhava Mantri Anicut to Belakavadi Tank via Holesal and Kiragasoor villages, that the channel was in action only for a day and a half and ceased to act thereafter as the Government Tank at Kiragasoor was breached.

This fact coupled with the letter of 1835 and 1874 (quoted above) in which reference is made to the repairs of an old channel goes to show that at the time of the grant of the Jahgir in 1829 to the family of the minor Jahgirdar, the above mentioned channel which had already fallen into disuse existed. On the strength of this most flimsy evidence of the mere existence of the trace of an old channel the history of which is not preserved either in memory or record, the Jahgirdar

girdar appears to have put forward his claim for free irrigation from the Molesal Channel Extension which is purely a Government irrigation work.

The old Atchakat accounts of the Belakavadi village produced by the Manager show that in 1829 (Virodhi) there were 77 Kanies (೭೭ ಕ್ಯ) or 50 Kandies (೫೦ ಖ) of wet land in the Belakavadi village. This 77 kanies was wrongly interpreted by the then Manager as 77 Kandies (೭೭ ಖ) and the same was adopted in Mr. Chengia Chetty's letter no: 506 dated 17.11.99 quoted above.

Query no3

The year in which the village was granted as Inam.

This extent of the wet cultivation continued to be nearly the same till the introduction of the Survey Settlement into the village in 1892-93, when the extent of wet cultivation was recorded in the Survey accounts as 152 acres and 31 guntas. The present wet extent is 232 acres and 20 guntas in excess of the

152 acres 31 guntas which existed before the Kolsal Extension.

From the foregoing facts it is clear that the Belakavadi Tank was not fed by any river or Channel at the time of the grant of the said village as Inam in 1829 and hence the Jahgirdar does not appear to be entitled to free irrigation from the Kolsal Channel Extension and is therefore liable to pay to Government contribution and water rate on the Extent of 232 acres and 20 guntas newly converted into wet by the said Extension as also the difference between the old rate of wet assessment and the water rate now imposed on the lands directly below the Channel, on the old Achakat.

From the Sluice of Belakavadi Weir Lake A. G. 47-37
From the Kodi Channel A. G. 81-29
From the Madavois of the main Channel A. G. 102-34
239-20.

Out of this 232 acres and 20 guntas, an Extent of 19 acres and 20 guntas formed the bed of a small tank. This was sold by the

Jahgirdars

Jaliyidari Nuchi for Rs 8525 by public auction.

As regards the previous correspondence referred to in para 4 of the docket under reference, it will be seen from the accompanying copy of docket no: 469 of 7th August 1901 from the Executive Engineer, Mysore Division, that the ryots of the Belakawadi and Kirgasoor villages have executed Mutcha-likas binding themselves to pay contribution and water rate under the rules within five years from the date of supply of water to their lands from the Extended Channel and in default to forfeit their lands to Government.

These Mutchalikas appear to be in the District Office having been forwarded to the Deputy Commissioner by the Executive Engineer, Mysore Division with his no: 5153-538 dated 12.12.1893 vide his no: 469 dated 10.8.01 addressed to this Office (quoted above).

The maps referred to in para 5 of the docket received from the Malavalli and T. Narsipur Taluks

do

29

As per Deputy Commissioner's docket No 39 & 20 of July 1901 are herewith forwarded.

Thanetha

Sd/ N. Venkata Rao

Sub Division Office

French Rocks.

Copy

for Deputy Commissioner

Mysore District

WS

(64) A (40

Mysore Govt., Gen. & Rev. Secretariat

Revenue Branch

File No. (if any) and its date—

174 of 1893.

Office Draft.

Rd. 2 Secretary '93
Sl. No 4.

Progs. of the Govt. of H. H. the Maharaja of Mysore.

Read: Docket No 2616 dated 21st May 1903, from the Revenue in Mysore, forwarding Mysore Dy Com's letter of the 8th idem, with enclosures reporting on the petition of Emmana Ammal, mother and guardian of the minor Jaghirdar of Sivasamudra, urging the Jaghirdar's claim to recover the contribution payable by the ryots of Sankannanya Belakavadi village towards the Metkal channel expenditure and to also to have the benefit that has resulted therefrom.

Order: The opinion of the Rev Com^r

The records received with the above will be submitted to the Revenue Commr in Mysore for favour of a thorough investigation of the case and an early report thereon with his opinion. The Dy Com^r

has delayed this report for three years which fact may be taken notice of by the Revenue Com^r.

11 June
30/3/03 7/8/03
Secretary

To

The Revenue Comm^r in Mysore.

Seen by the Hon'ble Dy 18/03

Rec. R489 Dy. 11.8.03

R174-93 11

The Commissioner will consider the question in his enquiry in this case would have been done —

03 BS

5.VIII.03

Hon'ble Dy 7/8/03

(41

~~(65)~~

Serial No. 5

No. 5032

OFFICE OF THE REV. COMR. IN MYSORE,
Bangalore, 24-2- 1904

FROM

~~V. P. MADHAVA RAO, ESQ., C.I.E.,~~
The Revenue Commissioner in Mysore.

To

The Secretary to the Government of His Highness
the Maharaja of Mysore,
General and Revenue Departments.

SIR,

With reference to Government Order No.R.489 dated 11th August 1903, forwarding to me for opinion the records connected with the petition of Annamale Ammal, mother and guardian of the minor Jaghirdar of Sivasamudram, urging the Jaghirdar's claim to recover the contribution payable by the ryots of Sarvamanya Belakvadi village to-wards the Holesal channel extension, I have the honor to state that in my opinion the Jaghirdar has not proved his case for the grant to him of any special concessions. Therefore the recommendation of the Sub Division Officer that contribution and water rate should be levied on 232 acres and 20 guntas newly converted into wet by the exten-sion of the channel and that the difference between the old rate of wet assessmentand the water rate should be re-covered on the lands which formed the old achkat (152 acres), may be approved.

2. As the ryots who take water have agreed to pay the contribution and water rate, the Government may settle the matter with the ryots in accordance with the terms of the agreement, if the Inamdar is unwilling to pay the

the contribution.

3. The enclosures are returned herewith.

I have the honor to be,

Sir,

Your most obedient servant,

K Kwandy

For Revenue Commissioner.

dlz

Mysore Government,
General & Revenue Secretariat.

(4 Encls.)

Office Draft. (Letter.)

(66 45)

xL - 26 1-a - 12
Sr. No. 5.

To

The Sr Assistant to the Hon'ble
the Resident in Mysore.

Date of passing the draft 29/4/1924
Date of despatch 29/4

Regd. No. R4174.
File No. & date (if any)

No. of Encls. 1

Sir,

I am directed to forward herewith a copy of the order proposed to be issued by the Durbar in the matter of the claim made ~~by~~ ~~February 1924~~ by Annamale Ammal, mother and guardian of the minor jaghirdar of Sivasamudram urging the right of the jaghirdar to the free irrigation of lands in the Sivasamudram Belakavadi village, which is one of the villages belonging to the jaghirdar, from the channel

channel led by [illegible] the Darbar
from the Karnal river through
the village. I am to request
that the proposed ~~question~~ map
kindly
may be forwarded before the Board the
Resident ~~for his information~~,
as a copy of it will have to
be forwarded, ~~when issued~~, to
the Govt of Kerala who are
now managing the Sivaramaram
Estate. On receipt of a reply
from you, the order will be
issued by the Darbar.

I have &c.

1882
28.6.1907

Offg Secretary

[illegible]
29/6/07

(45

Mysore Govt. Gen. & Rev. Secretariat,
Revenue Branch.

File No. (if any) and its date—

1st
E 5/4/1904

Office Draft.

Progs. of the Govt. of H. H. the Maharaja of Mysore.

Read:

Correspondence ending with letter No 5032 dt 24. 3. 1904, from the Rev: Comr in Mysore regarding the lands in the Sarvamangam village of Seringapatam in the Srirangapatna taluk which have been brought under wet cultivation by the extension of the Bolisal channel

Order:

In February 1898, Annamale Ammal, mother and guardian of the minor Jaghirdar of Sivasamudram petitioned the Govt, representing —

(1) that the channel led by Govt from the Kaveri river in the Sarvamangam Belakavadi village, was on the lines of the old channel, which existed once,

(2) that the wet lands under the channel & the dry lands that were since converted into wet should be released in consideration of the

supply

respectfully from the channel,
3) that she would pay the
irrigation cess on the wet
lands in Belakavadi as
in the case of lands in
the Poreyapatna village,
(4) that she would pay the
cost of the channel, and
(5) that she should be per-
mitted to ~~collect~~ levy the contri-
bution payable by the ryots
of Belakavadi.

2. The above petition was
forwarded to the Dy Comr
for report. His report received
through the Asst Comr showed
that the Jaghirdar was not
entitled to free irrigation
from the channel in question,
as at the time of the grant
of the Jaghir in 1827, the old
channel which was cut
in 1827 & was in action
only for a day and a half,
had already fallen into
disuse, and the Belakava-
vadi land was not fed
by any other channel, and
that the Jaghirdar was liable
to pay to Govt the amount
of contribution and water-
rate on 232-20 A G land newly
converted into wet and also

the

the difference between the old rate of wet assessment and the water rate now imposable on the 1552-31 A G of land benefited by the channel. The Rev Comr ~~having given an opinion of his on the question, the case was called for the~~ states that the Jaghirdar has not proved his case for the grant to him of any special concessions by and that contribution and water rate should be levied as mentioned above and that if the Inamdar be unwilling to pay them, the Govt may settle the matter with the ryots, who have agreed to pay the same, in accordance with the terms of the agreement

2. Govt are inclined to agree with the Rev: Comr in holding that the Inamdar has not made out his claim either to free irrigation or to any special concession, and accordingly direct that contribution & water rate

The proper course is

for

be levied on the 232 acres and 20 perches newly connected into and and also the difference between the old assessment and wet made out on the old net standard of 52-31, if the Inundation is unwilling to pay, the amounts should be recovered from the ryots concerned according to their agreement — As however the Inundation is a matter in charge of the Court of Wards under the Madras, Govt a copy of this order must be sent to the Court for any remarks they may make before Govt come to their decision with Govt

1863
Dec
12.V.04

We have just been informed that the Board's letter to the Revenue Commissioner has been received

14/5/04

Draft sent 17/5/04

Draft sent 28/6/04

(67)

R. F. B.—4-04.—1,000.

No. 3243

MYSORE GOVERNMENT
GENERAL AND REVENUE SECRETARIAT
9 JUL 1904

FROM

R. C. H. MOSS. KING, ESQ., I, C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 9th July 1904.

SIR,

I am directed to acknowledge the receipt of Mr. Venkata varadiengar's letter No. R 4174, dated the 29th June 1904, on the subject of the claim of the Jaghirdar of Sivasamudram to free irrigation of the lands in the Belakvadi village.

2. There is no information in this office regarding the claim in question. Without knowing the facts, it can only be said that, in the absence of any reasonable ground for the grant of a special concession the ordinary rules on the subject should apparently be followed and in this view the draft order which the Durbar propose to issue in the matter appears to be unobjectionable.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident.

G.R.S. 26]

LE 133 of 97/98 Sno 115 I (50
of 1898 No 8

File No. 174 of 1893-94
Serial No. 68.

Diary No. of letter replied to 220

Pol No. 52.

General and Revenue Secretariat
(Land Revenue)
the 190 .

Date of issue 18th July 1904.

Signed by

To

The Assistant to the Hon'ble
The Resident in Mysore.

Sir,

With reference to your letter No. 3243 dated the 9th July 1904, on the subject of the claim of the Jahagirdar of Sivasamudram to free irrigation of his lands in the Belakavadi village, I am directed to request you to move the Hon'ble the Resident to forward to the Court of Wards the draft order proposed to be issued by the Darbar in the matter, which was sent with your letter No. R. 417/94 dated the 29th June 1904, and to favour the Darbar with the views of the Court in the

over.

From
R
15/7/04

SUBJECT.

Requests him to forward the draft order to the Court of Wards for their views.

matter to the Explosives
Inquiry in charge of the Chief Inspector under the
Explosives Act &c.

Chief Secretary's Office

15/7/1904

List of enclosures.

Nil

Copied by [illegible] 15/7/04.

Examined by [illegible] 16.7.04

MGCPB—5,000—20-5-04

R. P. B.—6-1905.—500

653

No. 3908 Secs

FROM

R. C. H. MOSS. KING, Esq., I. C. S.,

FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 15th July 1905.

SIR,

With reference to the correspondence ending with Mr.Venkataveradiengar's letter Pol No.1006, dated the 10th June 1905, regarding the claim of the Jagirdar of Sivasamudram to the free irrigation of his lands in the Belakavadi village, I am directed to forward a copy of the proceedings of the Court of Wards, Madras, No. 1583, dated the 25th May 1905, together with its enclosures, and to state that the Government of Madras approve of the suggestions and proposals therein made.

return is requested.

2. I am accordingly to request that, if there be no objection, a personal conference may be arranged between the Deputy Commissioner of the Mysore district and the Collector of Coimbatore to discuss the various questions raised in the proceedings of the Court of Wards and to come to a definite agreement.

3. Mr. Williams will be glad to be informed at an early date of the action taken by the Durbar in this matter.

I have the honour to be,

Sir,

Your most obedient servant,

Ludwig

First Assistant Resident.

Copy of Proceedings of the Court of Wards, Misc. No. 1383, dated the 25th May 1905.

X X X X X X

R E S O L U T I O N.

The Court begs to submit the following report with reference to Government endorsement No,1187, dated 27th July 1904.

2. The Belakkavadi tank in the Belakkavadi village belonging to the Mysore portion of the Sivasamudram estate is fed by a channel from the Cauvery. This channel was repaired some years ago by the Mysore Durbar. In consequence of these repairs certain dry lands have been converted into wet and garden, and additional value has been imparted to the mamul wet lands.

3. Prior to the repair of the channel, the Jaghirdar was paying to the Durbar only Rs.195-5-3 on account of local and irrigation cesses as specified in the margin. On the completion of the repairs referred to, the Durbar made a special settlement of the lands of the village and enhanced the cesses as detailed in the margin, the increased local cess being determined with reference to the difference in the rent value of the cultivable lands in the village before and after resettlement, and the increased irrigation cess being determined with reference to the increased rent value of (a) the original extent of irrigated lands and (b) the extent of dry lands converted into wet and garden. In addition to the enhanced cesses the Durbar claims to levy (1) "water-rate"

Local cess at 1 anna in the Rupee on the assessment of the cultivable lands in the village Rs.2,683-12-0)	164-14-3
Irrigation cess at 1 anna in the Rupee on the assessment of the wet and garden lands(Rs.497-4-0)	30-7-0
	195-5-3
Local cess on the revised assessment of cultivable lands (Rs4,391-4-0)	274-7-3
Irrigation cess of the revised assessment of the old wet and garden lands and of the dry lands converted into wet and garden (Rs2,368-10-4)	148-0-8
	422-7-11

"water rate" on the extent of the dry lands converted into wet; (ii)"increased assessment" on the mamul wet lands in the village (and (iii)"contribution" or a lump payment at a specified ~~rate~~ rate per acre on dry land converted into wet. The "water-rate" is charged on dry lands converted into wet by the use of Durbar water and is represented by the difference between the old dry and the revised wet assessment rates. It is not clear what is meant by the "increased assessment" nor the rate at which and the authority under which the levy is made from the holders of inam villages; but it apparently is the difference between the old and the revised assessments on mamul wet lands. The "contribution" is a lump payment exacted from all holders of inam villages and Government lands at a specified rate per acre on occupied dry land which has been converted into wet. The rate per acre at which this contribution is levied varies from a third to a fifth of the difference between the local market values of an acre of dry land and of an acre of wet land and has in the present case been fixed at Rs.15 per acre. If this lump sum is not paid at once, it is liable to be added on to the assessment in accordance with the procedure prescribed in para XIV, Part IV of the Mysore Land Revenue Manual (quoted in the margin). The excess local and irrigation cesses claimed by the Durbar have been paid and the revised settlement rates have been realized from the tenants with effect from F. 1311 as a temporary measure.

If n be the No. of years which must elapse before the expiry of the current survey settlement, 1/nth of the total amount of the acreage contribution will be fixed as the rate per anum per acre to be levied in addition to the ordinary assessment during the n years and the contribution thus distributed will be recovered under Sec. 55 of the Land Revenue Code.

4. In 1898 the mother of the Sivasamudram ward submitted a petition to the Government of Mysore representing inter alia that the Belakkavadi channel followed the alignment of an older channel, that she would pay the cost incurred by the Durbar in repairing the channel and that she should be permitted to levy the "contribution" payable by the ryots of Belakkavadi. In a

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letter to the Court, dated 18th June 1901, she contended that she was entitled to levy increased assessment from the ryots in consequence of the increased facilities for irrigation provided by the repairs to the Belakkavadi channel. In support of her contention that the Jaghirdar was entitled to enjoy the additional revenue from improvements to irrigation works executed at the cost of the estate she quoted the terms of a sanad granted by a late Maharaja of Mysore and an order of the Dewan, dated 1st April 1893. As the cost of the irrigation works in question was in the first instance paid by the Mysore Durbar, the mother of the ward offered to pay her quota of the cost in consideration of being allowed to levy from the ryots increased assessment on dry lands converted into wet. With reference to this letter, the Collector of Coimbatore was asked to ascertain and report whether the Mysore authorities would allow the Jaghirdar to pay to the Durbar the proportionate share of cost of repairing the Belakkavadi channel and permit him to levy the revised settlement assessment on the dry lands which in consequence of the repairs made to the channel had been converted to wet and garden or whether they would insist on his paying water rate to the Durbar on such lands. When the letter from the ward's mother was under reference to the Collector, the Mysore Durbar had also been considering her petition addresses to it in 1898 and with their endorsement under report Government have forwarded for the Court's remarks a copy of a draft order which the Durbar proposes to issue on the petition. From this draft order it will be seen that the Durbar is not prepared to recognize the Jaghirdar's claim and proposes to direct that contribution and water rate be levied on the extent of land newly converted into wet and also the difference between the old wet assessment and water rate on the old wet ayakat. The Court's view of the matter was that unless the Jaghirdar could prove that the Durbar had merely improved an old channel and had not constructed a new one no objection should be raised to the proposed order. The Collector

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was accordingly requested to obtain the evidence available in support of the contention that the Durbar had merely improved an old channel. The result of the enquiry held in the matter is embodied in the Deputy Collector's report herewith forwarded. The only evidence in support of the contention put forward by the Jaghirdar's mother consists of (a) the statement of an old ryot, who stated that a year or two before the grant of the Jaghire the Cauvery water reached the Belakkavadi tanks through an old channel for ten or fifteen days when the channel gave way and ever since then the rain water used to flow into the tanks through the channel and (b) the fact that traces of the old channel are still visible on the spot. This evidence does not, in the opinion of the Court, serve to rebut the contention of the Durbar that the old channel had fallen into dis-use at the time the Jaghir was granted by the Mysore Durbar and it seems hardly worth while to contest the terms of the order which the Durbar proposes to issue. The Court therefore submits that the Government of Mysore may be informedaccordingly.

The ward's mother has recently submitted through the Collector another petition in support of her previous contention. Though the Court does not see anything in this petition to justify a reconsideration of the conclusion expressed above, it begs to suggest that this petition and the Collector's report thereon which are appended hereto may be forwarded to the Durbar with the request that it may be taken into consideration before the matter is disposed of finally.

5. If the Durbar issues the draft order as proposed, it will be necessary to decide whether the Jaghirdar should pay the "water rate", "increased assessment", "contribution"&c. demanded or whether he is to leave the collection thereof to the Durbar. It appears from the draft order, forwarded with the Government endorsement under reply, that the Jaghirdar is under no obligation to pay the contribution, water rate &c. himself and that the Durbar has taken agreements from his tenants to pa

the dues in question in case the Jaghirdar is unwilling to pay in the first instance. In these circumstances the question for consideration is whether it will be to the advantage of the Jaghirdar to take upon himself the burden of paying the dues to the Durbar in the first instance. From Sec.86 of Mysore Regulation No.IV of 1888, it would appear that the Jaghirdar, if he pays the dues demanded by the Durbar, can enhance the rents payable to him by his tenants only to the extent of the amount paid by him. If this is so, it is not clear why the Jaghirdar should undertake the trouble and risk involved in collecting the amounts unless the Mysore Durbar is prepared to pay a commission of, say, 10 per cent on the amount collected.

Secondly, it is not apparent, as remarked above, what the "increased assessment" according to the revised settlement assessment is intended to represent, and the authority under which the Durbar claims to levy this charge from the holder of an inam village like the Jaghirdar of Sivasamudram. From the draft order forwarded with the Government endorsement under reply, it appears that what is sought to be levied is the difference between the old wet assessment and the water rate on the old wet ayakat of the village. From a statement which the Estate Manager has obtained from the Mysore Local officials the levy appears, however, to represent the difference between the wet assessments according to the old and new settlement rates.

Lastly, it has to be observed that the Durbar's recognition of the Jaghirdar's right to levy the revised settlement assessment from his tenants is only provisional, pending the settlement of the claims put forward by the Jaghirdar's mother. It is not clear how this concession will be affected if the Jaghirdar elects to leave the Durbar to collect the cesses direct from the tenants, and whether he will still be liable to pay the enhanced local and irrigation cesses claimed by the Durbar.

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Though these questions have been under correspondence and consideration for some time past, it has not been possible to arrive at any definite conclusion owing mainly to want of information concerning the operation of the Mysore Revenue Laws.

6. In view of the difficulties which a settlement of this question is attended with there is no reasonable prospect of the matter being satisfactorily settled by means of correspondence before the ward attains his majority in August next. The Court therefore begs leave to suggest that the Collector of Coimbatore may be requested to meet the Mysore Commissioner in personal conference and to settle the line of action to be adopted having due regard to the interests of the ward, and of the tenants. The main question to be discussed at the conference will of course be those indicated in para 5 supra. The Collector may at the same time be empowered to come to a definite agreement on any other question that may be incidentally raised in the course of discussion.

7. Besides the questions discussed above, two others of comparatively minor importance have been raised in the course of the correspondence. One of these is the classification as wet of some un-irrigable lands in the re-settlement effected by the Durbar. An indication of the circumstances in which this has happened is given in para 5 of the Collector's letter R.Dis.No. 14-C.W. of 1905, dated 25th February 1905, forwarded herewith. The Court submits that this point may also be included in the points for discussion and settlement at the proposed conference

8. The second point is that the late Jaghirdar made money grants to some persons, the amounts of which are being deducted from the assessment on lands. These grantees are said to object to the revised settlement assessment on the ground that the lands were inam lands. The Collector has promised a report on the subject of these alienations which has been awaited in C.P.No.

176 Misc

176 Misc., dated 21st January 1905. This matter might also be disposed of at the proposed conference.

C O P Y,

R. S. Furnivall Esquire

Registrar,

Resident's Office.

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Copy of letter R.Dis,No.32/C.W. of '03, dated the 3rd May 1905, from the Collector of Coimbatore and Agent to the Court of Wards, to the Secretary to the Court of Wards, Madras.

In continuation of my letter R.Dis.No.14/C.W. of '05 dated 25th February 1905, I have the honour to submit herewith for the information of the Court, copy of petition of the guardian mother (with translation) urging her claims to collect water rate and contribution from ryots on account of the repairs to the Holasal Channel in Belakkavadi Village.

2. The guardian mother says that the extension of the channel referred to was undertaken by the Mysore authorities o the statement of Agent Raju Mudaliyar to the effect that it might be undertaken if it should, in the opinion of Durbar, yield more income to the Jaghirdar, that the work was done without any further reference to the Estate authorities and that, if the permission prayed for is granted, the Durbar will act against the terms of the Sanad.

3. As already reported, I could not give any opinion in the matter personally, as there are no records with me. The correspondence of 1835 relating to the channel together with its sketch and other papers are said to have been already produced before the Sub-Divisional Officer, French Rocks.

4. It has been pointed that under para. 1 of Mysore Government Order No.7023 - General -1176, dated 17th October 1876 (Page 321 of the Mysore Revenue Manual, Part I) the Mysore Government could not have improved the irrigation source of the tank in Belakkavadi, it not only falling within the exceptions, and under para. 2 of XII, Rules regarding the levy of acreage contributions (page 318 Ibid), Muchilikas should have been executed by the Jaghir authorities, not by the tenants themselves. I request that these facts may be considered if the claim has not already been disposed of.

Copy of letter R.Dis.No.14/C.W. of '05 dated the 25th February 1905, from the Collector of Coimbatore and Agent to the Court of Wards to the Secretary to the Court of Wards, Madras.

With reference to C.P.No.176 Mis., dated 21st January 1905, calling for report on the draft proceedings of the Mysore Government on the claim of the Jaghirdar of the Sivasamudram Estate to the free irrigation of certain lands in the Belakkavadi village, I have the honour to report as follows:-

2. The Deputy Collector has reported that there are no records available in the Estate Office to verify the statements of the Mysore Durbar to the effect that (1) the old channel was in action only for a day and a half, (2) it has already fallen into disuse, and (3) the Belakkavadi tank was not fed by any river channel, beyond the statement of an old ryot, aged about 90 years, who speaks to the Cauvery water getting into the Belakkavadi tanks through the channel for 10 or 15 days, when the channel gave way.

3. The Deputy Collector inspected the site on the 12th instant and found traces of the channel still on the ground. The sketch showing the situation of the old and new channels is submitted for reference. He reports that the Mysore Government have not dug out an absolutely new channel, but have only improved an old one that fed the Belakkavadi tanks (small and big) by diverting its course in some places to facilitate the free flow of water, as will be seen from the sketch referred to above Extracts (paras 1-6) from his report are enclosed herewith.

4. The statement showing the details for the demand by the Mysore Durbar for Rs.2,202-14-6 detailed in para. 2 of this office letter R.Dis.No.31/C.W. of '04 dated 17th October 1904 is submitted. It was sent by the Amildar of Malvalli in his communication No.489 dated 27th April 1898 since picked out from

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the records in the possession of the Revenue Inspector of Belakkavadi.

3. As for the circumstances under which lands which are not irrigable and are unfit for wet cultivation came to be classified as wet (vide para 4 of this office letter R.Dis.No. 31 C.W. of '04 dated 17th October 1904) it is reported by the Amildar of Malvalli that "in the re-classification of wet assessment after the opening of the channel, the Survey Department seems to have sanctioned the assessment on the feasibility of the water-convenience to bring the lands under wet cultivation", but that he has no records with him on the subject. At the time of the survey and re-settlement, M.R.Ry. Raju Mudaliyar opened a channel and took water to his dry field No.478. This was transferred to garden at the re-settlement though he subsequently abandoned the channel. In the case of survey No.599 a part of which he improved to raise paddy on it, the whole field was transferred to wet on the supposition that the whole extent would be brought under wet cultivation: but he did not actually improve the whole field. Again Survey Nos.534 & 536 were transferred to wet, as they could be irrigated, when made fit for wet cultivation, but the ryots did not improve them, having no capital to invest. Hence these account for the classification of unirrigable lands into wet and garden.

6. The enclosures to the Court's Reference are herewith resubmitted.

Copy of letter D.Dis.No.90/C.W. of 1905, dated 15th February 1905, from the Deputy Collector, Kollegal Division, to the Collector of Coimbatore.

With reference to your endorsement R.O C. No.47/C.W. of 05, dated 30th ultimo on Court's Resolution No.176 Mis., dated 21st idem calling for a full and clear report on the claim of the Minor Jaghirdar's mother to the free irrigation of lands in Belakkavadi village benefited by the new channel opened by the Mysore Durbar, I have the honour to submit herewith a sketch showing the position of the Belakkavadi small and big tanks and the alignments of the old and new channels and to state as follows.

2. In the sketch the course of the old channel is marked in red pencil and the new channel opened by the Mysore Durbar with blue pencil. As marked in the sketch a channel was formerly in existence and it was a feeder to the Belakkavadi tanks, a fact which is admitted by the Mysore authorities themselves. The small tank has since been sold in auction and the lands are now cultivated by the ryots. I inspected the village on the 12th instant and found traces of the old channel still on the ground.

3. The Mysore Durbar have not dug one absolutely new channel but have only improved the old channel by diverting its course in some places so as to facilitate free flow of water in it.

4. In their proceedings of 1904, the Mysore Durbar say that at the time of the grant of the Jaghir in 1829, the old channel which was cut in 1827 and was in action only for a day and a half had already fallen into disuse and the Belakkavadi tank was not fed by any river channel. There are no records in the Manager's office to verify the statement as all the old records bearing on the subject were delivered by the late Manager to the Sub Divisional officer, French Rocks Division, but inasmuch as

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the Sunnad granted to the Jaghirdar by the Mysore Durbar mentions "Kalvai" i.e., channel as included in the grant, the Jaghirdar has a right to it and the benefits accruing from it whether it borught water from the river only for a day or for several days.

5. The Manager has submitted a statement obtained by him on the 13th instant from a nonagenarian ryot of Belakkavadi which is herewith sent. In it he says that a year or two before the grant of the Jaghir the Cauvery water reached the Belakkavadi tanks through the old channel in question for 10 or 15 days when the channel gave way and ever since then, the rain water used to flow into the tanks through the channel.

6. Apart from this, the Jaghirdar deservs some concession at the hands of the Durbar at any rate in view of the additional trouble to which he will be subjected in the matter of collecting the contribution and water rate now proposed to be levied.

C O P Y.

R. S. Tirumalai Aiyangar

R e g i s t r a r,

Resident's Office.

ಕೆ.ಪಿ.ಸಿ.ಸಿ ಕಾರ್ಯಾಲಯದಲ್ಲಿ ಸಭೆಯು ಮಾಡಿ
ಕೆಲವು ಕಾಲ ಅಲ್ಲಿಯೇ ಇದ್ದು ಆಮೇಲೆ ಮನೆಗೆ
ಹೋಗಿ ಮಲಗಿಕೊಂಡೆನು. ಮರುದಿವಸ ಬೆಳಿಗ್ಗೆ
ಎದ್ದು ಸ್ನಾನಾದಿಗಳನ್ನು ಮುಗಿಸಿಕೊಂಡು ಕಾಫಿ
ಕುಡಿಯುತ್ತಿದ್ದಾಗ ಸುಮಾರು ೮ ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ
ಶ್ರೀ ಪಿ.ಜಿ.ಆರ್.ಸಿಂಧ್ಯಾ ಅವರು ನನ್ನ ಮನೆಗೆ
ಬಂದರು. ಆಗ ಅವರು ನನಗೆ ಹೇಳಿದ್ದು
ಏನೆಂದರೆ ಕೆ.ಪಿ.ಸಿ.ಸಿ ಕಾರ್ಯಾಲಯದಲ್ಲಿ
ಸಭೆಯಾದ ಮೇಲೆ ಶ್ರೀ ಎಸ್.ಆರ್.ಕಂಠಿಯವರು
ಮತ್ತು ಶ್ರೀ ಎಸ್.ನಿಜಲಿಂಗಪ್ಪನವರು ಇವರು
ಮೂವರೂ ಕೂಡಿ ಕೆಲವು ಕಾಲ ಮಾತನಾಡಿ
ಕೊನೆಯಲ್ಲಿ ಅವರು ಹೊರಟು ಹೋಗುವಾಗ
ಶ್ರೀ ಎಸ್.ನಿಜಲಿಂಗಪ್ಪನವರು ನನಗೆ ಹೇಳಿದ್ದು
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ಕೊಡಬೇಕಾಗಿದ್ದರೆ ಅದನ್ನು ಸಿಂಧ್ಯಾ ಅವರಿಗೆ
ಹೇಳಿ ಕಳುಹಿಸಿಕೊಡಬೇಕೆಂದು ಹೇಳಿದರು.
ಆಗ ನಾನು ಸಿಂಧ್ಯಾ ಅವರಿಗೆ ಏನು
ಹೇಳಿದಿರಿ ಎಂದು ಕೇಳಿದೆನು. ಆಗ ಅವರು
ಹೇಳಿದ್ದು ಏನೆಂದರೆ ಸಿಂಧ್ಯಾ ಅವರು ಹೇಳಿದ್ದು
ಏನೆಂದರೆ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದಲ್ಲಿ ಇರುವ ಕೆಲವು
ಜನ ಮುಖಂಡರು ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷವನ್ನು ಬಿಟ್ಟು
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ಬಹಳ ಕಷ್ಟದಲ್ಲಿ ಇರುವುದರಿಂದ ಕಾಂಗ್ರೆಸ್
ಪಕ್ಷವನ್ನು ಬಲಪಡಿಸಲು ಮತ್ತು ಕಾಂಗ್ರೆಸ್
ಪಕ್ಷವನ್ನು ಅಧಿಕಾರಕ್ಕೆ ತರಲು ಸಹಾಯ
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ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷವನ್ನು ಬಿಟ್ಟು ಹೋಗಿರುವ
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ಹೇಳಿದೆನು. ಆಗ ಸಿಂಧ್ಯಾ ಅವರು ಹೇಳಿದ್ದು
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ಎಂದು ಹೇಳಿದರು. ಆಗ ನಾನು ಸಿಂಧ್ಯಾ
ಅವರಿಗೆ ಹೇಳಿದ್ದು ಏನೆಂದರೆ ಕಾಂಗ್ರೆಸ್
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ಪಕ್ಷವನ್ನು ಕಟ್ಟಿಕೊಂಡಿರುವುದರಿಂದ ಅವರಿಗೆ
ಕಷ್ಟವಾಗಿ ಅವರು ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷಕ್ಕೆ ಬರಲು
ಸಾಧ್ಯವಿಲ್ಲ ಎಂದು ಹೇಳಿದ

ಇನ್ನಿತರ ಜೀವಿಗಳಿಂದ ಮನುಷ್ಯನನ್ನು ಪ್ರತ್ಯೇಕಿಸುವ ಅಂಶ ಯಾವುದು? ಮನುಷ್ಯನಿಗೆ ಮಾತ್ರ ಇರುವ ವಿಶೇಷ ಗುಣ ಯಾವುದು? ಮನುಷ್ಯನಿಗೆ ಮಾತ್ರ ಇರುವ ಅಂಶವೆಂದರೆ ಅದು ಅವನಲ್ಲಿರುವ ಆತ್ಮಸಾಕ್ಷಿ. ಆತ್ಮಸಾಕ್ಷಿ ಎಂದರೆ ಏನು? ಆತ್ಮಸಾಕ್ಷಿಯ ಅರ್ಥವೇನು? ಆತ್ಮಸಾಕ್ಷಿಯ ಪ್ರಾಮುಖ್ಯತೆ ಏನು? ಆತ್ಮಸಾಕ್ಷಿಯ ಮಹತ್ವವೇನು? ಆತ್ಮಸಾಕ್ಷಿಯ ಪ್ರಾಮುಖ್ಯತೆಯನ್ನು ಹೇಳಿಕೊಡುವ ಅಗತ್ಯವಿದೆಯೇ? ಆತ್ಮಸಾಕ್ಷಿಯ ಪ್ರಾಮುಖ್ಯತೆಯನ್ನು ಹೇಳಿಕೊಡುವ ಅಗತ್ಯವಿಲ್ಲವೆಂದಾದರೆ ಆತ್ಮಸಾಕ್ಷಿಯ ಪ್ರಾಮುಖ್ಯತೆಯನ್ನು ಹೇಳಿಕೊಡುವ ಅಗತ್ಯವಿಲ್ಲದಿರಲು ಕಾರಣವೇನು? ಆತ್ಮಸಾಕ್ಷಿಯ ಪ್ರಾಮುಖ್ಯತೆಯನ್ನು ಹೇಳಿಕೊಡುವ ಅಗತ್ಯವಿಲ್ಲದಿರಲು ಕಾರಣ ಆತ್ಮಸಾಕ್ಷಿಯ ಪ್ರಾಮುಖ್ಯತೆಯನ್ನು ಹೇಳಿಕೊಡುವ ಅಗತ್ಯವಿಲ್ಲದಿರಲು ಕಾರಣವೇನು?

(7)

Zilla Court, [illegible]

[illegible]

[illegible]

[

G.R.S. 26]

File No. 226 of 1897-98
Serial No. 10

Diary No. of letter replied to 653.

No. R1450
Conf

General and Rev. Secretariat
(L.R.)
, the 190 .

Date of issue 2/8/05

Signed by Leo D'Souza

To

The Deputy Comr
of the Nilgiris District

Sir,

With reference to your letter No. 3 & 3 dtd. 2.3 addressed to the Revenue Comr, regarding the recovery of the contributions & water rate from the ryots of the Ekkaluradi village of the Sirumanaidu jahgir, I have the honor to state that the Comr of Lands & Settlement, who is now administering the estate of the jahgirdar, while agreeing to the rates proposed to be issued in the case, proposes that a personal conference may be held between a Nilgiris officer and

arranged

over.

SUBJECT.

Ed. at 4.30
2.8.05

Should be sent

to Collector of Customs for the

Settlement of the question. As there is

in the proposed order, Govt have no

objection to deal with the rights ac-

cruing to the Crown of Minas as lessee

of the Salaginadar and represented

by the Collector and prefer a course

preferable. All rates have all been

properly fixed and no change

of any kind is to be attempted.

~~Further~~, I am ~~directed~~ to request

you to be so good as to arrange for

a ~~meeting~~ conference on the above

lines with the Collector of Customs

in connection with him and to

report the result of the same to

Govt.

I Copies of the order required to

be issued and the proceedings

of the Court of Minas are herewith

forwarded for information.

I have the honor

&c.

List of enclosures,

Copied by

Examined by

29.7.1905

Secretary

MGCPB—20,000-19-12—01.

G.R.S. 26]

(75

File No. 236 1897-98

Serial No 10

Diary No. of letter replied to _____

Pal No. 90

General and Rev. Secretariat

(A R)

, *the* 190 .

To

The Secretary

to the Resident in Ellycore.

Sir,

With reference to your letter No 3705 of the 6th July 1905 proposing that a conference may be arranged between the Collector of Coimbatore and the Dy Comr of the Ellycore Dn for settling the claim of Veeraswamiram the Jaghirdar regarding the contribution and the water-rate leviable from the ryots of the Jaghir of the Seshaiwaram village, I am directed to state that the Dy Comr if the Ellycore Dn has been asked to arrange ~~for~~ a meeting the Collector of Coimbatore

over.

SUBJECT.

Rec'd 29/7

Rec'd 29/7 KW. GW 2/8/05

75

in connexion with the loan &

do the necessary Expenditure in ~~the~~ Result —

I have
&c

29.7.1905

1. Secretary.
29/7/05

The enclosures to the letter under reply are copies of communications which passed between the Colonial Office and the Treasury on the subject of the loan referred to in your letter

List of enclosures.

1

Copied by

Examined by

2nd Reminder.

LR 236/97/98
Sl No 11

5159/Rev 77

[G.R.S. 45]

Cypher 1057 13 May

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENT.

No. 15766, dated the 10th Nov 1905.

236-97-10 (L.R.)

REPLY.

No. 1831, dated the 5th Nov 1905.

21.

To

The Dy Comm
Mysore Dt

14/11/05 ack 15/11/05 and 21/11/05

To

The Secretary to the Government of H. H. the Maharaja of Mysore, General and Revenue Dept.

SUBJECT.

Requests him to arrange for a conference with the Collector of Coimbatore regarding the levy of contribution at a flat rate from the Jaghirdar of Sivaganga & grant the result of the same &c &c

Sir

I have the honour to state in reply that no fees have been handed over to the Jaghirdar on the Collection fees necessary for the Conference.

I have the honour to be

Sir

Your most obedient

servant

Dy Commr

OFFICE MEMORANDUM.

The undersigned is directed to invite attention to the marginally noted communication and to request that the General and Revenue Secretariat may be informed, in the column opposite, of the cause of delay in furnishing a reply and of the approximate date on which a reply may be expected.

No. R.350 dated 2.8.05 L.R.236-97

He is also to request that the General and Revenue Secretariat may be favoured with a reply to this reminder not later than the 20th inst

Dy Commr

for Secretary

* Previous reminder. Cypher 1057 dated 13-5-05

23-11 [illegible]

78

G.R.S. 26]

File No. 236-97

Serial No 12

Diary No. of letter replied to _____

No. 765-D.D.

General and Rev. Secretariat
(J. A.)
, *the* 190 :

Date of issue 2nd Dec 05

Signed by _____

To

The Asst Govt
Mayore &c

With reference to his
letter No 831 dt 5th Nov
1905 stating that as the
Sivasamudram Jahagir has
since been handed over to the
Jahagirdar, the Collector of
Coimbatore sees no necessity
for a conference, & that the
Govt is desired that the
Jahagirdar should be given
a chance of representing his
case and to request that he
will do this by giving him a
notice hereof, regret to receive
y[our] claims to Govt at an
early date.

By Order
for Secretary

SUBJECT.

Rd 2/12/05

Rd 5/12 Issued 6/12

L.R. 237 B 1897-98

Serial no. 13.

1906

From The Mamlatdar
Mysore Distt.

To The Secretary
Genl Affairs Depts.

Dated 19

Despatched 22 May '06.

Received

General No. 1211
No.

Enclosure No. 2

Reports on the levy of
water cess & Commutation on
Shrotriem & Jodi Lands Commen
ced by Revenue Officers

No 1211

Bijoy Deputy Commissioner's office
dated Cuttack the 19th Dec 1906

To

B. N. Venkatananda Singh Esq.
Secretary to the Government,
Finance and Revenue Department

Sir,

Referring to your docket no. 15578 -
dated the 23rd Nov. 12 dated the 21st December 1906
asking me to issue a notice to the Jaleswar
Municipality and to submit a report after
hearing its representations regarding the inade-
quate and unsatisfactory condition of the Jaleswar
Municipal Channel I have the honour to
submit herewith a copy of the Bench Roads
Municipal Commissioners' Meeting No 681 dated 7th
May 1906 in this the Municipality

Memo in original received herewith and to state as follows:-

2 The Assistant Commissioner's Memorandum herewith forwarded shows briefly details with the exact points at issue in this case, and briefly sets out the views expressed by him. The Assistant Commissioner has been requested to inspect the lands during the cultivation season and to report any land is irrigable. From my personal recollection of these lands, I think that all or nearly all of them are irrigable.

I have the honour to be,
Sir,
Your most obedient Servant

Deputy Commissioner

Assistant Commissioner's Office
Dated Tenali Road 9th May 1906

No 1031

From;

K Sreenivasa Rao Esqr
Assistant Commissioner

To,

H.H. Sparkes Esqr:
Deputy Commissioner
Mysore District

Sir

With reference to your docket no. 2355 dated 3/5th March 1906 giving cover to correspondence ending with General and Revenue Secretary's docket no: R 6588 -L.R. 236.97-12 dated 2nd December 1905 anent the levy of water rate and contribution on Lands in the Sarvamanya village of Belakavadi in the Malavalli Taluk sought under wet cultivation by the Extension of the Kolasal channel and calling for a detailed Report thereon after giving a chance to the Sarvamanyadars Jahgirdar to represent his case

I have the honour to refer to your letter No: Land: 8-1-1-1-1 dated 8th March 1926, and the paragraphs 9 to 11 of the Settlement Report we may have to make on the subject. Adverting to his communication, his paragraph 4 of his No: 355 dated 10th March 1926 has stated that it is necessary with the Executive Engineer, Irrigation Division, as to the amount of expenditure incurred in repairing the Hotaeu from the limits of Belakavadi to the Tank in Belakavadi. I beg that on receipt of his information we would be able to send us his recommendations on the subject. I have had the communication and the paragraphs in the subject file now, and am sorry to inform having been received calling for immediate report, I am unfortunately the words with a view to enable me to forward the observations by the end of March and the Settlement Report by the end of April next. I am therefore

Yours faithfully

Submitted.

Thanks

Sd/- K Srinivas Rao

Asst Comm.

I Rocks Dn

Copy.

Asst Commr

Dy Commissioner

Cuppa Dist

18. 5. 86

85

Memorandum

Proceedings of the Court of Wards' mis: no: 1383 Dated 25th May 1905.

Para 2 "The Belikavadi tank in the Belikavadi Village belonging to the Mysore portion of Sivasamudram Estate is fed by a Channel from the Cauvery."

Did Halavad Channel feed Belikavadi Tank originally?

Evidently not-

It having been in action for a day and a half, but also before the grant of the village to the Jahgirdar. In the Copy of the Sannad on the file, no mention of any "Kalve" is made as referred to in Para 4 of Collegal Deputy Collector's letter no: 3. dis 30 [illegible]

9

M. R. Ry Raja Mudaliyar the then agent of the Jahagir dar/e appears to have given a Inut chalika with some reserva-tions.

As regards the absolute necessity of taking Inut chalikas from the Jahagir authorities, it must be noted that the Kolab channel is not a channel which feeds tanks in Jahagir villages only—. It also irrigates Government lands in other villages. The last para of the Rules for the levy of Contribution - Revenue Manual Page 318 - distinctly states that if 5% of the ryots, to be benefitted by a project, consent, the Government may, if they should sanction the project, compel the remaining 1/6th to pay the Contribution". These rules hold good in the case of Inam dars also and the Jahagirdar of Sivasamudram so far as the Government is concerned, is a large inamdar "Vide Para 2 of letter no. R. Dis: no: 32/C.W of 1903. Dated 3rd May 1905 from the Collector of Coimbatore to the Secretary to the Court of Wards at Madras". In the view of the Court of Wards that the Jahagirdar is under no obligation to pay water-rate and Contribution to Government.

"The Jahagirdar is under no obligation to pay the Contribution, whatever he himself, and that the Durbar has taken agreements from his tenants to pay the dues in question in case the Jahagirdar is unwilling to pay in the first instance"

86
87

The agreements or Muchalikas have to be carefully gone through. They are not available in the records. Muchalikas from Jahagirdar's ryots were taken probably under Government order No: 29, 919 - 20 dated 1st June 1835.
A 3327
Evidently is ultimately to safe-guard Government interests if the Jahagirdar refused. The Government would not have dealt with Jahagir ryots direct if the latter had not evidently voluntarily come forward to assure the Government that in the event of the Jahagirdar not taking the responsibility to re-imburse the Government they would of themselves, on the security of their lands, be liable to pay the amount.

Mr. R Rey.

of 1905 dated 15th February 1905
to the Collector of Coimbatore.
The Sannad simply gives the
power to Jahagirdar to ~
excavate new Kalves and
does not mention the existence
of any. The original Noleal
Channel was excavated in
1829 two years before the
grant of the village to the ~
Jahagirdar. According to
the statement of a monie-
rarian ryot of Pelekavai
(Vide para 5 of Kollegal ~
Division Deputy Collector's
letter no. J. dis. no. 90/C.W
of 1905 dated 15th February 1905
to the Collector of Coimbatore)
the bit that connected the
Noleal channel with the
tank was in action ie —
Conveyed water for only 60
days. The present Noleal
Channel it is said did not
work until 1890(?) when
practically a new channel
was excavated on the ~
old site. I am therefore
of opinion that the present
Noleal Channel is a new one

Para 5 of Court of Wards
Proceedings above quoted
x x x x

Government, the question will naturally arise as to how these amounts have to be collected if the jahagirdar's ryots should fail in arrears. In case of dry lands converted into wet and in cases wherein wet assessment has been increased on existing wet lands benefitted by the increased water supply the original assessment dry or ordinary wet has to go to the jahagirdar, the enhanced portion only going to the Government. The holding upon which arrear accrues in such cases can neither be sold by jahagirdar or by Government both having a claim on it. Government Proceedings No. 16572-21 / R 20-29 dated 1st April 1893 reads that if owing to the repair of a bank by Government, Inamdar's lands irrigated therefrom are benefitted by the repair, they must pay contribution proportionate to the benefit accruing. The Jahagirdar of Sivaganga is only an Inamdar with hereditaire lands granted as Inam for a specific purpose and is therefore liable to pay.

Para 5 of Court of Wards Proceedings

X "From"

Department the Examiner found that according to the rates imposed he was benefitted to the extent of a rupee per acre even after meeting the Government demand. This order can be made applicable to the present case.

Para 5 of the same Proceedings

X X X

"It is not apparent as remarked above what the increased assessment — according to the revised settlement assessment is intended to represent."

"Increased assessment" is the difference between the old wet assessment and the new wet assessment imposable under the altered circumstances of the new source of irrigation. There appears to be some mistake in making it mean the difference between the old wet-rate and the water-rate on the old wet Ayakat. Evidently the Proceedings define water rate to be increased to be the difference between the new

the papers although I applied to the District Office for them I give the information furnished to me which has to be verified from authenticated records.

In the case of Manchegowda's channel in the Deggaon Jahagir villages of Yedatore Taluk the Jahagirdar contended that Manchegowda's channel was an old one; that it had not been improved; that it had been originally excavated in Jahagir land without his getting any compensation for it; that he had not been consulted when the channel was originally excavated; that the Government having treated with his tenants directly and that therefore he was not liable to pay contribution or water-rate. Although Manchegowda's channel had not been improved yet the supply in it had been made abundant by the construction of Chamaraj Anicut and this old channel received its supply direct from the new main channel when before the supply was precarious. Government therefore ruled that the Jahagirdar was liable to pay contribution and water-rate. When after these lands were re-classed and assessed by the Survey Department

"From Section 86 of Mysore Regulation No IV of 1888 it would appear that the Jahagirdar, if he pays the dues, demanded by the Durbar, can enhance the rents payable to him by his tenants only to the extent of the amount paid by him"

Section 86 reads that the enhanced assessment shall not exceed the assessment to be levied under the Settlement Rules, and that the Inamdar may also re-imburse himself for any tax or cess that Government may newly impose. It does not say that the enhancement should be only to the extent of the Government demand. The water-rate to be imposed in this instance is governed by Rule 38 of the Land Revenue Rules. The rate proposed to be imposed as above may leave a margin of profit to the Jahagirdar after meeting the Government demand.

I am told of a case in the Yedatore Taluk on all fours with the one under report. I have not been able to get at the

new wet assessment and the old wet assessment on the old ayakat of the village.

Coimbatore Collectors letter no: R. Dis. No. 32/Cir of 1903 Dated 3rd May 1903 to the Secretary to the Court of wards, Madras

X X

Para 4 -

The Proceedings quoted therein - order no: 7023 Revl: 1176 Dated 17th October 1896 refers only to the maintenance of tanks in Inam and Kayamgutta villages which may affect Government tanks. It does not apply to improving of irrigation sources.

In conclusion I beg to invite a kind reference to letter no: 4365 - R. 20 Dated 5th November 1872 from the officiating chief Commissioner of Mysore to the Secretary to the Government of India Foreign department. ——

" Page 201 of the Revenue Manual

The

letter No: R Dis: No: 14/8 A-9
1905 Dated 25th February 1905
to the Secretary of Court of Wards.

Para 5

x x x x

"As for the circumstances under which lands which are not irrigable and are unfit for wet cultivation came to be classified as wet" "".

The best way of disposing of this question will be, I think, to inspect these lands at the cultivation season and if they are really incapable of being irrigated the Survey Department may be moved under the Standing orders of Government to re-classify the lands.

K Srinivasa Roy

Assistant Commissioner
French Rocks.

9th May 06

The Viceroy having questione
the right of the Chief Commissione
to force the Ryots to use wate
and pay wet assessment, the
latter writes that this practice
has been the immemorial
custom of the Country and
is understood by all uni-
versally enforced and
recognized by Ryots as a
matter of course. In para
2 of the letter the Chief
Commissioner observes that
according to the theory of
rights in Mysore the
Sovereign proprietor is
entitled to demand wetrate
on all lands for which the
means of irrigation are
provided at the cost of the
State.

The Belakavadi Village
was granted as Inam to
the Jahagirdar by the
Maharaja of Mysore in 1827
when the theory of rights as
above enunciated was
understood. If the Sovereign
has the power to force the
ryot to use water, he has
undoubtedly the power to
require him to pay for it.

- Coimbatore Collector's
letter

(96

G.R.S. 26]

File No. 36-7

Serial No 14

Diary No. of letter replied to _____

No. R. 15526

General and Rev. Secretariat
( )
, *the* 190 .

To

The Dy Comr
Mysore Dt

Date of issue 5/6/1906

Signed by D. G. D'Souza Esqr

With reference to his letter no 2-1 dated the 3rd May 1906 reporting on the receipt of the notice issued to the Jahagirdars of Sivasamudram regarding the levy of contribution and water-rate on the Jahagir lands commanded by the Mysore Canal extension, has the honor to request him to be so good as to give the Jahagirdar concerned information of forwarding the representations if any and submit the same to Govt with his remarks, if any, at the earliest.

Rec Comm

2.6.06

for Secretary

SUBJECT.

26/5/06

N.O.R. 15527

"Stay & Rev Comm
with a request that in
reminding the further
report called for, he will
in forwarding the same,
furnish with his opinion
in all the points at issue
between the Govt & the Legislature

Key

26/5/07

List of enclosures,

Copied by

Examined by

MGCPB—20,000-19-12—04.

L.R. 236 of 1897-98
Sl no. 15.

1906

From The Collector
Nilgiri Dist.

To The Secretary
Land Revn Dept.

Dated 10
Despatched 11 July 06.
Received
General No. 26
No.

Enclosure No./

608
Rev

Submits Evasanundrum
Jaghirdar's reply re the delay
levy of contributions on lands under
Mesalikalu

Deputy Commissioner's Office,
Mysore District
Dated Mysore 10th July 1906.

To,

V. S. Sundara Sivarama Iyer Esq,
B.A., B.L.,
Secretary to the Government
of Mysore
Central & Rev. Department,
Bangalore.

Sir,

Referring to your docket No. R. 10526 dated 5th June 1906, I have the honor to submit herewith in original the Srirangapatna Jahagirdars letter No 355 dated 8th May 1906 addressed to the Assistant Commissioner in charge of the French Rocks group of Taluks explaining the cause of delay in furnishing his reply regarding the levy of contribution and water rate on the Jahagir lands commanded by the Kaveri channel extensions. The Executive Engineer has also been requested to furnish the required information to the Jahagirdar as early as possible.

I have the honor to be,
Sir,
Your Most Obedient Servant,

H. Bhima Rao
Deputy Commissioner,
Mysore District.

Swaisamuram Lighthouse

D7

10

From

J. R. Ananda Raja Mudaliar Esq

Janopakara Karthia Sezhendar

of Swaisamuram.

To

The Assistant Commissioner

French Rocks D.

French Rock

23/10523

Dated 31st May 06.

Recd 18th June 06

By Post.

2.6.06

Reply to the above

Receive expedition

Rej. No. 1509

2.6.06

Enclosure – 1.

Roc No. 355/1905

Subject.

Solicits favorable attention

for early compliance —

re the amount of expenditure in

repairing the Holaas Channels

Division in my Roc No 355 dated
14th May 1906 copy of which is enclosed
herewith for your information. I
therefore request you will kindly help
me in getting the information required
by me on receipt of which I shall
kindly submit my reply without delay.

I have the honor to be
Sir
Your most obedient Servant

Fernandez Rozario
Assistant
31.5.06

G.R.S. 26]

L R File No. 236
Serial No. 16

Diary No. of letter replied to 608

No. R. 2501

General and Revenue Secretariat
(Land Rev.)
, the 190 .

To The Deputy Commr
Mysore District.

Date of issue 29. 7. 06

Signed by [illegible]

* Paper underscored

By Commr's letter No. 26 dated 10th July 1906 forwarding letter No. 333 of the 22nd May 1906 from the Jaghirdar of Sira Samudram stating that his representation to Govt: in the matter of the levy of contribution and water-rate on the Jaghire lands commanded by the Hulkal channel extension, will be made on receipt of certain information asked for by him from the Ex. Engineer of the Channels Division.

Referring to the above [illegible]

over.

SUBJECT.

the honour to request that if the Jaglundar has not as yet sent in his promised, re-presentation, the same may be obtained from him at once and forwarded to Govt. thro' the Rev: Commr as already directed in this office No R. 15526 dated the 5th June 06.

L.Q. 236-97-14

By order.

for Secretary

24/8/7

Copy to the Revenue Commr in Khyber, in Continuation of this office No. R 15527 of the 5th June 06.

L.Q 236-97-14

By order,

for Secretary

24/8/7

No. L-2582 dt 29-8-06

J.S

List of enclosures.

Copied by

Examined by

MGCPB—30,000—16-2-05

105

G.R.S. 28] LR

File No. 286/87
Serial No. 17

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(LR)

, *the* 190

Date of issue 10/7/1889

Signed by P. G. D'Souza Esqr

~~READ~~ Order:— No. 341

The question of the levy of contribution and water-rate from the Jaghir Dar of Srivasamudram in respect of his lands in the Belakavadi village newly converted into wet by the extension of the Halbal Channel, has been pending for the last 4 years, owing to delay on the part of the Dy. Commr., Mysore, in ascertaining & communicating

over

~~ORDER THEREON.—No.~~

SUBJECT

877

to Govt what the Jaghirdar has to say in the matter. In spite of reminders issued up to date to the Rev. Commr, no final report has been submitted to Govt to enable them to pass orders in the matter. In Nov^r 1907 it was intimated by the Rev. Commr that the Dy Commr had promised to submit the report by the end of Dec^r 1907. In this Office No R-267 dated 10th July 1908 & Plan M.. the Rev Commr was requested to instruct the Dy Commr to avoid further delay in the matter, and if the Jaghirdar does not exhibit sufficient interest and promptitude in the disposal of the objections, if any, to take steps to buy the Confiscation and water-grade from the Jaghirdar. Since then, half

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

a dozen reminders have been issued and one year has elapsed, but no report of the action taken has been received.

Govt regret to observe that no more delay can be ~~tolerated~~ permitted and direct that the report called for be submitted within a month. If the delay is due to the Jagirdar, he should be informed by the Dy Commr that no further time will be allowed and that the order directing the levy of the confiscation and costs-rate will be issued.

By order,
Secretary

To,
The Rev Commr
in Mysore

MGCPB—30,000—5-4-05.

No. 726.

OFFICE OF THE REV. COMP. IN MYSORE,

Bangalore, 16th July 1909.

FROM B.Ramaswamaiya, Esq., B.A. & B.L.,
Rajakarya Pravina, Asst. Commissioner in charge of the
~~A. RANGASWAMI IYENGAR, Esq., B.A., B.L.,~~
office of the *Revenue Commissioner in Mysore.*

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments

SIR,

With reference to Government Order No.R.371/L.R. 236- of 1897-17 dated 10th July 1909 noticing the delay in the submission of the report regarding the levy of contribution and water-rate from the Jahgirdar of Sivanasamudram on account of certain lands in the Belakavadi village, commanded by the Holesal channel, I have the honor to state that the Deputy Commissioner's report together with the Jagirdar's representation was received in this office in November 1908. There were however, doubts on some material points regarding the nature and time of grant of the Inam, the correct extent of the lands comprised therein according to old accounts etc., and I therefore called for further ~~particulars~~ particulars from the Deputy Commissioner. The final report has not yet been received, and I remind the Deputy Commissioner this day, forwarding at the same time a copy of the Government Order quoted above and shall submit the report called for as early as possible.

I have the honor to be,

Sir,

Your most obedient servant,

K Subbarao

Asst. Comm. in charge of the
For Revenue Commissioner's office.

B.K.R.

Rev. Comr.
Form 12

190 .

From

B. Ramaswamaiya, Esq B.A, B.L,
Rajakarya Praveena, Asst Commissioner
~~A. RANGASWAMI IYENGAR Esq., B.A., C.L.,~~
Revenue Commissioner's office
~~*in Mysore.*~~

To

509
1910

The Secretary to the Government of
H. H. the Maharaja of Mysore.
General & Revenue Departments.

Dated 16th

Despatched July 1909.

Received

No.

Enclosure No.

States that the report re levy of contribution from the Jahgirdar of Sivasamudram will be submitted as early as possible after the further information called for from the Deputy Commissioner, Mysore District is received.

Caxton Press, Bangalore,—2000-2-09

No. 1621/2

OFFICE OF THE REV. COMR. IN MYSORE,

Bangalore, 3rd August 1909.

LR 5 236-32-18

FROM,

Rajakarya Pravina,
A. RANGASWAMI IYENGAR, ESQ., B. A., B. L.,
Revenue Commissioner in Mysore.

TO

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments.

SIR,

In continuation of my letter No.796 dated 16th July 1909, explaining how the reference regarding the levy of contribution and water-rate from the Jahgirdar of Sivasamudram on account of certain lands in the Belakavadi village, commanded by the Holesal channel is pending, I have the honor to forward herewith for the information of Government the Mysore Deputy Commissioner's report No.425 dated 16th November 1908 in original for perusal and kind return and copy of my docket No.10381 dated 20th April 1909 calling for further particulars on the subject. If the Government should consider that the report of the Deputy Commissioner contains sufficient material for disposal of the case, I shall ask the Deputy Commissioner to return the records connected with the case immediately and submit the same for the orders of Government with my opinion of the case on the materials in hand.

I have the honor to be,

Sir,

Your most obedient servant,

For Revenue Commissioner.

B.K.R.

Rev. Comr. Form 12.

190 . 1088 Rev

From

Rajakarya Pravina,

A. RANGASWAMI IYENGAR Esq., B.A., B.L.,

Revenue Commissioner

in Mysore.

(1) A.19

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 3rd

Despatched 5 August 1909.

Received

No. 1071.

Enclosure No. 2

Forwarding the letter received from the Deputy Commissioner, Mysore District, regarding the levy of water-rate from the Mahgirdar of Sivasamudra on account of certain lands in the Belakavadi village commanded by the Holesal channel.

Caxton Press, Bangalore,—2000-2-09

(110

Docket No.10881 dated 20th /22nd April 1909, from the Revenue Commissioner in Mysore, to the Deputy Commis-sioner, Mysore District.

With reference to correspondence ending with his letter No.425 dated 16/17th November 1908 submitting a report in the matter of the levy of contribution and water-rate from the Jahgirdar of Sivasamudram on account of the lands in the Belakavadi village commanded by the Holesal channel extension, has the honor to request that the following further particulars may be furnished on the subject:-

(1) Was the Belakavadi village given in Inam to the present Jahgirdar's representative in 1826 as an endowment Inam and converted into a personal inam in 1829 or was it the Inam of another person in 1827? In letter No.627 dated 11/16th April 1903 from the Sub Division Officer French Rocks to the Deputy Commis-sioner, it is stated that before Belakavadi village was granted as Inam to the Jahgirdar it was held as Jodi by one Kastur Rangachar about the year 1827. This should be verified. All records bearing on the point may be obtained and submitted for reference.

(2) The correct extent in square yards of a Kani and Kandagam in Belakavadi village may be specified. The measure of a Kani referred to in the old accounts may also be stated as it obtained in the neighbour-ing British villages of Kollegal Taluk.

(3) The Sannad or a copy thereof for the grant of the Madavadi village as Inam may be obtained and forward-ed. A copy of the Sannad granting the Belakavadi vil-lage first as endowment Inam to the Jahgirdar's re-presentative in 1826 may also be forwarded.

(4)

(4) It is stated by the Deputy Commissioner in his letter quoted above that the Belakavadi village never enjoyed any river channel irrigation prior or subsequent to its grant as Inam. How could the Deputy Commissioner then admit the existence of traces of channel? (vide para 2 of his letter.)

(5) The file of papers on the subject is herewith sent for reference and resubmission with the necessary particulars as early as possible.

----------oOo----------

" C O P Y ".

For Revenue Commissioner.

B.K.R.

G.D.S. 26]

File No. 236
&C 1897-98
Serial No. 19

Diary No. of letter replied to 1086

No. R. 1584
Sr. 1

General and Revenue Secretariat
(L-R.)
, *the* 190

To

The Revl Commr.
in Mysore,

Sir,

Date of issue 19/8/1909

Signed by Ramanathan

With reference to your letter No. 1601 & the 3d Aug. 09 on the Subject of the Comp. of contribution and water-rate from the Jaghirdar of Surasamudram in respect of the wet lands in the Belekavadi village, commanded by the Holeal channel Extension, I am directed to state that the further information called for by you from the Dy Commr. may be obtained and comple

over.

SUBJECT.

Report submitted with your opinion at a very early date. To enable Govt to pass final orders in the matter.

The Dy Commrs letter no. 428 dated the 11th Nov 08, received with your letter under reply, is returned herewith for further reference and remembrance.

Received

For Secretary
13/8/09

13.8.09

Cmpd
Ysn
18/8

List of enclosures,

Copied by

Examined by

GPB—10,000—23-5-08

No. 5932 / 1 Bundle

OFFICE OF THE REV. COMR. IN MYSORE,

Bangalore, 13th December 1909 / 15

1114

L.R. 236-97-20.

FROM

Rajakarya Pravina,
A. RANGASWAMI IYENGAR, ESQ., B. A., B. L.,
Revenue Commissioner in Mysore.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments.

SIR,

Adverting to correspondence ending with your letter No.R.1584/L.R.236 of 97-98 dated 19th August 1909 regarding the levy of contribution and water-rate from the Jaghirdar of Sivasamudram in respect of the wet lands in the Belakavadi village commanded by the Holesal channel extension, I have the honour to forward herewith in original, letter No.428 dated 16th November 1908 from the Deputy Commissioner, Mysore District, together with files of correspondence as noted in the margin.

1. One file of correspondence containing 91 papers as per ferist of the Deputy Commissioner's office.
2. One D.P.W. file.
3. Letter No.210 dated 10th September 1909 with enclosures from the Deputy Commissioner, Mysore.
4. Letter No.251 dated 25th September 1909 with enclosures from the Deputy Commissioner, Mysore.
5. Malavalli Amildar's letter No.253 dated 2nd October 1909 with enclosures.
6. One tracing.
7. One typed extract from Coimbatore District Manual.

2. The Deputy Commissioner's letter goes fully into the previous history of the case, though there are a few discrepancies which will be referred to further on. Before proceeding to consider the questions at issue it is desirable to explain some facts anterior to the grant of the Jaghir.

3. From a copy of the Niroop sent by H.H.Krishnaraja Wadayar Bahadur III to the Amil of the Sosale Taluk dated 18th December 1835, it will be observed that the villages of Belaka-

vadi

Rev. Comn. Form 12.

190 .

3762
Rev.

From

Rajakarya Pravina,

A. RANGASWAMI IYENGAR Esq., B.A., B.L.,

Revenue Commissioner

in Mysore.

8120

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 13th

Despatched December 1909.

Received

No.

Enclosure No.

Submits a report regarding the levy of contribution and water-cess from the Jaghirdar of Sannadram in respect of the Wet lands in the Bi Kavadi village, Commanded by the Nolambal channel extension.

Caxton Press, Bangalore,—2000-2-09

115

Belakavadi and Madavadi had been given in 1819 to one Kasturi Rangachari, Valagudi Parupathyegar of Seringapatam temple, on a jodi of 300 pagodas and the village of Madavadi which had subsequently come to the possession and enjoyment of Koti Kannika Danam Lakshmikumara Venkatavarada Narasimhachar was at his request converted into a Sarvamanya in 1825. The copy of the Sannad granted in 1829 to Janopakarta Mr.Tiruvallakkeni Ramaswami Mudaliar shows that Belakavadi and five other Asli villages and 11 dakhla villages had been at different times granted in Inam in the name of Seshachala Mudaly, the grand-son of the said Mr.Ramaswami Mudaliar, for carrying on the charitable works connected with the restoration of Sivasamudram, construction of the bridge and foundation of Agraharams, and that they were confirmed as Sarva Inam in the name of Mr.Ramaswami Mudaliar in the year 1829, solely for having constructed the bridge. The several Sannads granted to Seshachala Mudaly are stated to have been withdrawn when that of 1829 was granted. In the absence of these Sannads it is not possible to say how the village of Belakavadi passed from the possession of the grantee of the village on Jodi in 1819. It is however possible that Mr.Ramaswami Mudaliar had acquired both Belakavadi and Mudavadi from the Jodidar previous to 1825 and given Mudavadi to Koti Kannikadanam Lakshmikumara Venkatavarada Narasimha Char who was his Guru and made Belakavadi available for grant in Sarva Inam in favour of his grandson.

4. The contention of the present Jaghirdar is based on the allegation that there was an old Nala or channel in continuation of the Kolesal channel passing through the Madavadi and Belakavadi villages upto the Belakavadi tank. The Niroop of 1825 mentioned above does not refer to such channel or allude to any wet cultivation in the Madavadi village. The Sannad of 1829 is not accompanied by any Druvandige or other detailed schedules containing any reference to such a channel. The

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The Jaghirdar relies in support of his contention on an English letter from Mr.(Col.) Green, Mysore Commission Engineer, dated 29th April 1835 and his ancestor's Tamil letter to his Tahsildar at Sivasamudram (copies of which he has produced) and certain extracts from the Ottuvari accounts for some years.

5. No doubt Mr.Green's letter refers to traces of an old Nala which he proposes to put in order. But his proposal to construct an ~~xxxxxxx~~ aqueduct along the upper part of the cutta at Madavadi instead of cutting a new channel round Madavadi tank leads to the inference that the original channel must have discharged into the Madavadi Cutta and this inference receives confirmation from Mr.Green's remarks in the preceding sentence that the fall is so great from Maideny (13½ feet) that the water would flow with great rapidity into Belakavadi tank. Even the Tamil letter does not specifically refer to the channel but merely says that ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ Mr. Green was going to see "Jala Sootram" (water levels), that the writer (Mr.Ramaswamy Mudaliar) had spoken to Ramaswami Pillai about bringing the Talkad channel which comes along Holesal to Belakavadi and that the addressee should concert with Mr.Green about ~~xxxxxxxxxxx~~ accomplishing it. But as remarked already, no wet cultivation is mentioned in the Niroop of 1825 granting the Madavadi village in Inam. This Niroop as well as the Sannad of 1829 provides that the Inamdar was at liberty to construct newly tank, cuttai, kalve or ane and increase his income. If the channel had been in action or had gone recently out of order, the fact would have received a prominent mention especially as it involved the taking of water from the sircar channel from the Madhava Mantri Anicut. These only go to show that the traces of a channel had existed, but not when or how it had been excavated, whether it was at any time in action and why it fell into disrepair. In all probability, the vestiges of the nala are an indication of an unsuccessful attempt made long ago to continue the Holesal channel very much similar to the Purnaiya's Nala

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near Mysore and the uncorroborated and vague statement of an old ryot referred to in the Resolution of the Court of Wards does not amount to more.

6. The Ottuvari accounts also prove nothing. They refer to a Kalve or channel as being close to some fields; but there is nothing to show what channel was meant or what its previous history was. Without local inspection or the village map and a sketch of the traces of the old channel with survey and corresponding Maji numbers of the lands in question, it is very difficult to say whether the channel referred to in the Ottuvari accounts is the old channel in dispute. Moreover, if the channel had fully run through the village, the number of fields abutting on it must be much larger.

7. Taking all these facts into consideration, it is evident that the old channel, if one existed, must have been a fruitless attempt made long before the villages were given in Serva Inam to the Jaghirdar and that it cannot confer on him any right to claim exemption from payment of contribution or water-rate.

8 Now to come to the question of the exact extent in respect of which the water-rate and contribution have to be levied from the Jaghirdar: According to the calculation by the Survey Department, the extent of wet lands in Belakavadi under the tanks is 152 acres - 31 guntas (vide Quit-rent Register). The Jamabandy Goshwar of 1893-94 produced by the Jaghirdar as exhibit No.18 gives the Maji extent of wet land as 49 kandies x and 19 kolagas which in the valuation survey appears to have come up to 152 acres - 31 guntas; and this extent has been adopted by the Deputy Commissioner. But the Jaghirdar contends that the extent under wet cultivation amounted in 1829 to 77⅛ Kandagams, that after the disrepair of the channel it gradually decreased to 40 Kandagams and that it again rose to 77⅛ kandagams

after the channel was extended by Government. He therefore claims exemption from payment of contribution and water-rate in respect of nearly 300 acres of land adopting the rule of proportion, that if 41 and odd Kandagams are equal to 151 and odd acres, 77⅛ kandagams should amount nearly to 300 acres.

9. But the Jaghirdar is clearly wrong in saying that in 1829 the wet area was 77⅛ kandagams. The extracts filed by him prove quite the contrary. They are as follows:-

In the year Akshaya (1807) there were 41½ kandagams of wet land.

In the year Virodhi (1829) there were 77⅛ kanis (not kandagams) of wet land assessed at 132 pagodas. In the year Prajoti

In the year Krodhi (1845) the wet extent under cultivation amounted to 33 and odd kandagams, the Nagadi collection thereon being 99 and odd pagodas.

In Viswavasu (1846) the extent and beriz were 34 and odd kandies and 100 and odd pagodas respectively.

In Soumya (1849) the extent was 36 and odd kandagams and the assessment 128 pagodas.

In Sadharana (1850-51) the extent remained more or less the same.

In Rakshasa (1856) the extent of wet land is given as 36 and odd kandies or 6067 and odd gulis, and the assessment is 125 and odd pagodas.

In both Nandana (1892-93) and Vijaya (1893-94) the extent and assessment given are 49 and odd kandies and 530 and odd rupees respectively.

10. The subsequent years' accounts are not produced and the extract for 1903-04 is the first one produced after the introduction of the Nala. In this, the figures of the previous year, viz., 1902-03 shown are 152 acres - 31 guntas with an assessment of Rs.437-8-0. Here evidently the survey extent has been taken and the accounts for 1903-04 show the wet extent to be 331 acres

381 acres - 6 guntas assessed at Rs.2253-0-0.

11. Of the above extracts, that for 1856-57 is important as it shows that 36½ Kandies are equivalent to 6067 19/32 gulis or 60 3/5 kanis at 100 gulis per kani (vide memo of accounts produced by the Jaghirdar with his petition dated 6-3-08 to the Deputy Commissioner). This is also borne out by the table of measurement of lands of the Coimbatore District (vide typed extract from Coimbatore District Manual sent herewith). According to this calculation the wet extent recorded in 1839, viz., 77⅛ kanis can only amount to 45 1/6 kandagams; and the 77⅛ kanis if converted into acres as per table quoted above, would come up to about 102½ acres (at 1.332314 acres per kani) which is far below the extent recorded at the Survey Settlement.

12. Lastly as regards the rates at which the water-rate and contribution have to be levied: The Deputy Commissioner proposes the levy of the "difference between the old rate of Rs.3/- and the water-rate of Rs.4/-" and a contribution of Rs.7-8-0 per acre on all the wet lands comprising the old atchkat of the Belakavadi tank, and "an acreage contribution of Rs.15/- together with the authorised water-rate" on the dry lands newly converted into wet.

13. The Deputy Commissioner's proposal regarding the levy on dry lands newly converted into wet is proper and may be accepted, as the rates proposed are the same as those adopted in the case of the lands of the Madavadi Inam village, higher up the channel. But in respect of the old wet extent he does not give any reasons for fixing the water-rate due to Government so low as one rupee per acre. Rule 33x of the Land Revenue Rules prescribes water-rate of Rs.4/- per acre on Inam lands when irrigation is supplied wholly at Government expense from a Government irrigation channel drawn from a river; and from para 4 of Government Order No.6856-8/F.Cir.No.193 dated 20th January 1889, it is clear that such a tax is leviable even on Inam

(120

lands already classed as wet in addition to the existing wet assessment, the Inamdar paying such additional water-rate being entitled to an enhanced rent from his tenant. In the present case, however, the assessment on all the wet lands has been fixed by the Survey Department after classification, at Rs 6/- per acre and it does not seem regular to levy a water-rate of Rs 4/- per acre. But as will be seen from the figures from the Jamabandi Goshwar of 1902-03 quoted elsewhere, the wet assessment on the old atchkat of 152 acres-31 guntas was Rs 437-8-0 and the same has now risen to Rs 916-8-0. This increase is purely the result of the extension of the channel by Government and not of any effort on the part of the Jaghirdar. Hence, it ought wholly to go to Government. I would therefore modify the Deputy Commissioner's proposal by saying that the difference between the old and new wet assessment may be recovered from the Jaghirdar in respect of the old atchkat of the Belakavadi tank.

But he made the irrigation an increase contribution which is thus enhanced to a great extent. The Dy Commr's proposal is very liberal

4. As regards the contribution payable on these lands, I am not sure whether the standing orders permit its levy. All the orders that I have been able to get at refer only to dry lands newly converted into wet (vide list in the margin). The Deputy Commissioner's proposal however seems to be based on the principle enunciated in G. O. No.1382-90 dated 1st October 1888 that "when Government undertakes a large irrigation work which adds great value to the holdings below, it has a right to participate in some moderate degree in the additional value thus imparted". Though this remark is very general and would apply to wet lands under cultivation, yet the succeeding explanation and the rules do not definitely refer to such lands. But the reason of the rule would seem to apply with equal force to wet lands also;

G.O. Camp No.1382-90 dated 1st October 1888. ✓
G.O. No.6856-8/F.Cir.No.193 dated 20th January 1889.
G.O. No.7451-4/130 dated 16th December 1889.
G.O. No.12094-6/391 dated 1st February 1892; ✓
G.O. No.16512-21/R.2029. dated 1st April 1893. ✓
G.O. No.3355-8/R.F.84-96 dated 28th September 1897.

and in this view, it seems fair that contribution should be demanded even in respect of the old wet extent, considering the high value that the lands have acquired after the extension of the channel. Besides, the holders of these lands are reported to have agreed by Mutchalika to pay the contribution and as the Inamdar is thus not liable for the amount, he can have no grievance. The rate of ₹ 7-8-0 suggested by the Deputy Commissioner for these lands is also very moderate and the ryots would very gladly pay the same.

16. It becomes unnecessary to enquire into the proportionate cost of the extension of the channel, as in the view now taken the Jaghirdar cannot claim to be allowed free use of the water on payment of such cost.

I have the honour to be,

Sir,

Your most obedient servant,

For Revenue Commissioner.

R.S.

5904
1908–09
20.11.08.

From

Mr. Commissioner
Bangalore District

To

The Revenue Commissioner
in Mysore

Dated 16
Despatched 17 & November 1908
Received
General No. 428
No.

Enclosure No. 36 in list

Submitted for orders with reference to the Resolution of Government in the Revenue Department, No. 1, dated 4th November 1908, on the subject of the proposed grant of Rs. 15,000 for the construction of a Kani and Kamanya in Bilukhan Samudra in Sira Taluk.

A report is due to Govt. with the Rev. Commr's opinion.
[Vide secy's letter (page 3)

B24
4.12.08

4/12/08

24/5/09

B.V.K.
23/3/09.

No.
Enc. No.

OFFICE OF THE Deputy Commissioner.

MYSORE DISTRICT,

Dated Mysore Camp 16th November 1908.

To

A. Rangaswami Iyengar Esq., B. A. B. L.

REVENUE COMMISSIONER IN MYSORE.

Sir,

I have the honour to acknowledge the receipt of your letter No. 3926 of the 18th February last calling for a report in the matter of the levy of contribution and water-rate from the proprietors of Sivasamudram on account of the lands in the Belkavadi Amani village irrigated by the Hocaval Channel drawn from the Muddhava Maniki Anicut near Jalur, and have the honour to state as follows:-

2. The Channel from the above Anicut was originally in active use upto Belkavadi village a distance of 7½ miles and beyond it there are traces of an old Channel up to Belkavadi Tank but it was never in active use. A rough copy of Mysore Division Executive Engineer's report accompanying the project for the extension of this Channel to

S. Flag A.

No 4,76 dated 13th December 1892 in file 12-8
At the instance of the Rajah Saheb
Land owning the proposed extension and
on their promise to pay Contribution
and enhanced assessment, the then
Executive Engineer Mr Kane prepared a
project for extending the channel up
to Belkavadi Tank and after obtaining
the Countersignature of the Deputy
Commissioner, submitted the same to
the Chief Engineer and Secretary to the
Government of Mysore in the P. W. D,
who Sanctioned it in 1893. The project was
Completed at an outlay of Rs 6,905-6
of which the Cost of improving the
old channel i.e. for the 1st 9½ miles
was Rs 3,440/-, the balance representing
the Cost of extending the Channel to
Belkavadi Tank. It now passes through
the Villages of Malavalli, Madavadi (main
Village) Kirgasoor and Belkavadi and
intimately supplies itself to the Belkavadi
Tank, irrigating the Cultivation noted
extent in each of the above Villages.

3

+ A. G.
Kirgasoor 102-20
Madavadi 235-a
Raghipura 27-21
Kirgasoor 135-36
Belkavadi 414-29

3. In March 1894 on the Recommendation of the Mother and Guardians of the Jalalpur Municipality the Water Rate was raised to Rs 8 per annum for each house assessed under Sec 27 (1) (a) of the B. P. A. Act (Executive Engineer Mr. Kane reported that the Jalalpur Municipality was in the habit of borrowing Money from the Government for the work undertaken and that the Commissioners objected through some misrepresentation. It was therefore decided by Government in their order No 229, of 20/2 R. 3327 of the 11th June 1894 that the average Contribution and Water Rate should be raised to Rs 8 per annum.

Complaints were also received by the Municipality, Residents and Ratepayers having Premises to pay the Contribution and Water Rate to Government.

4. Recently the Jalalpur Drains were under the management of the Board of Health and in January 1893 the Mouth of the Jalalpur addressed the

the Government for the classification and Settlement of the Jahagir lands and this was accordingly done. The question of the levy of contribution and water-rate having remained unsettled, the Government after communicating with the Court of Wards directed that a personal Conference might be held by the Deputy Commissioner with the Collector of Contributions regarding the draft order which the Government proposed to issue in this matter (Vide Government order R. No. 1 & 2. R-236 of 1897-98 - dated 2nd August 1905. Accordingly a preliminary Conference was held at Dalhousie on the 6th August 1905 between the Deputy Collector of Nurpur and Mr. Sparkes my predecessor. The result of the Conference is contained in the Deputy Collector's letter No. 27/1 dated the 9th August 1905 and Mr. Sparkes letter No. 2. R. 23 addressed to me on the 6th November 1906 (Papers No. 82 in the

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the fell.

5. In December 1905 the Manager of the Jalapin was handed over to the former Jahajdar the Government in their No 1855 / L. R. 236-97 dated 8th June 1906. Directed that a clause should be given to the Jahajdar to refer to the case that a report should be made by a Medical man. The Jalapindar has now received a letter No 355 dated 15th June 1907 and a Supplemental one dated 2nd March 1908 together with a list of papers of the Subject for example - Some payment of contribution and water rate. These papers are separately referred and should be traced. I had a long personal discussion with the Jalapindar and his Manager on this Subject in the month of March 1908. The Contention of the Jalapindar are briefly as follows -

(1). The Bellandah Village was handed to his Family as an endowment since in 1826 by His Highness the Maharaja Khanderao Gaekwar Bahadur and the Same was converted into a

a personal grant in 1829. In the accounts prior to 1826 the village has 4½ kandagams of land under wet cultivation but in the year 1829 the extent has got to 7½ kandagams. The Jadagirdar attributes this increase to the additional facility created between the years 1826 and 1829 and in proof thereof that his ancestors have excavated the channel in question and brought the Kavari water to the Bellavadi tank to irrigate those lands.

+ See orders passed on this and other petitions

(2) As the time of the grant as personal grant 7½ kandagams of lands equivalent to 300 and odd acres were under wet cultivation. He now says that he is entitled to free irrigation from the channel water and that the area over and above this extent may be charged sale water-rate.

How does he justify this assumption

(3) As the channel now brought to his village has been taken on the alignment of the old channel, it amounts to the restoration of the old one.

are liable here only for their own order, or this should be regarded that he may be permitted to pay the proportionate expenses by Government on the extension of the channel.

6. As regards the first 2 heads of his evidence, the accounts produced by him do not bear out his statement. Even granting that 7½% Landgrave of land were under cultivation in 1829, the Magistrate cannot be responsible for the decrease in subsequent years, Evidently he attempts to have been made by the forefathers of the present Magistrate to restore the channel if it had existed till a new to increase the extent of cultivation during these 70 years. Now when the Government have enforced the claims as by law empowered the Magistrate has come in for a substantial share of the profit - having his claim on an alleged entry in the old record not supported by Government order or legal evidence. Further the 77 Landgrave

Kandagaons of land when Conversions
acres came up to about 150 acres and
not 300 acres as stated by the Jaidad
For these reasons his claim is, in my opinion,
untenable. We can safely take it for
granted that previous to the extension
of the Channel an extent of 152-31 guntas
only was irrigated by the rain fed tank
as decided in the Conference of 6th August
1905 and that after its extension an
extent of 232-20 guntas was newly
converted into wet, of which 185 acres
23 guntas obtain water direct from
the Channel, and the remaining —
acres
47-37 guntas from the tank to which
the channel is led. There has been a
general rise in the value of lands
within the reach of the Jaidad and
this is solely due to the extension
of the Channel and the supply of
river water at Government cost. The
act of the Government in extending
the Channel clearly contributed to
the prosperity of the spot and of the

the Jahajirdan. As a proof of this it may be stated that a sale deed executed for the site of the Jahajir was sold by the Jahajir authorities for Rs. Carpe a sum of Rs 9225/- as some water was let into the Jahajir Canal. Here is a large extent of deep and wide land yet to be brought under cultivation and in giving it out for cultivation the Jahajirdan can hope to realise a large amount in the shape of purchase money.

7. The accounts under the Land were fixed on the basis existing at the Land Customs Survey rates now adopted have been based upon the portfolio of the Sale Engagement on the assessed Supply of water brought down at Government cost from the Canvey River from Mandhana Mouth Ancient near Dalhad. The Jahajirdar must to purchase water in the exclusive possession of Government drawn entirely from a

a Source Mines is also purely Government, and that he stored for the quantity water he gets. It is an admitted Fact that the Bellandur Village never enjoyed any river channel irrigation either prior or subsequent to the date of the grant to the Jahagirdar. On basing the claim of Government for a water rate on wet lands which were already irrigated by rain water under tank, the Government had to consider the question of recovery for an extra rate which interfering with the legitimate income of the Jahagirdar. If the Jahagirdar's contention that the channel was excluded by his ancestors and that it was in working order, was true, the channel must have irrigated a large extent of lands both in the Sircar and Inam Villages in its course to Bellandur, but the old

accounts

account and record of the Not- Secur-
ities- Secu- ties case. The only
fact- that- can be inferred is that-
an attempt- was perhaps made to dis
-charge- this unprofessional opera-
tion- proper authority, and that- the
unpractability of- the work was
passed over- it was given up.

8. The old standard- is 1852 - 31.
The present- period assessment- thereon
amounts to Rs 9 16 1/2 or Rs 6 per acre.
According to- the old classification- the
rate per acre was only Rs 3/-. If- is
the difference between the old and
new rate, that- the Government-
proposal- on account of- the five
year enhancement- period. Considering
that- the old standard- is 1852 - 31 was
under imperfect- Conception of the extension
of- the channel. It- seems only- fair
and reasonable- that- the Government-
should demand- him- the difference between
the old rate of Rs 3-0-0 and- the present
rate of Rs 4-0-0. By this, the Collector

Zamindar owned the benefited lands Rs 30 8/- per annum to which he seems to justly entitled. The lessees as lands have already agreed to pay contribution and the question as to which rate should be adopted in the case of the above extension of A. G. 152-31 demands careful attention. In my opinion the acreage contribution thereon may be reduced from Rs 15/- to Rs 7-8-0 seeing that the additional value imparted to these lands is not so much as that imparted to the dry lands newly brought under wet-cultivation. As regards the additional lands newly converted into wet- on acreage contribution of Rs 15/- may be levied together with the authorised water rate. The financial effect of this proposal is a decided gain to the Zamindar.

Sir

on maintaining the garden's original
income on the old rent roll we are
giving him the difference between the
sum at rate and the Government
water rate. The difference over 232-20
is Rs 165/-, drawn this day accep-
ment- a-c-c-o for same which amounts
to Rs 174-6-0 shewn be deducted
this sum the net- profit- is Rs 2037-7-0.
9. It may be pointed out- that
the Canal sewage brought under
irrigation were mostly waste lands
sloping towards the river and the
supply of irrigation to them has
materially reduced their value. In
consideration of this enjoying the
additional profit- and of the large
price that- he might realize on
purchase money by selling his
Kanpur Canal to which an additional
value has been imparted consequent—
on the abundant- and unfailing
supply of river water and the -

the increased assessment on the
old lot at Chalcia, - the Jaigirdar
pays - he has responsible to Govern-
ment for collecting the Contribution
and water rate levied imposed from
the ryots and for remitting them to
Government. I may state here that
the extent brought under cultiv-
ation in the Jaigir village varies
till each year. On receipt of definite
Government orders on the general
principle to be followed in this
case, steps will be taken to ascertain
the actual extent under irrigation
and to levy Contribution and water-
rate on the extent over and above
A G.
1892-31.

10. In case the Government
be pleased to consider favourably
the prayer of the Jaigirdar to
recover from him the proportionate
case of the extension of the channel,

J

I beg to invite a reference to letter
No 137 of the 26th March 1908.
received from the Executive Engineer
Chanda Division No 1 & 2 minutes
worked out the details. According
to his calculation the Jalaghar
has to pay Rs 35000/- in round
numbers for the extension and maintenance
of the channel like now together with
a sum of Rs 1850/- per year on account
of the maintenance charge - Rs 1907-38.
I am afraid the apportionment of cost
does not include the capitalized
value of water rates the Jalaghar
has to pay in addition.

I have the honour to be
Sir,
Your most obedient Servant
[illegible]
Deputy Commissioner,
Monghyr Division.

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

Bangalore 3rd February 1910.

Dear Mr D'Souza,

In this office letter No.5982 dated 13th December 1909, para 13, a small mistake has crept in, in quoting the rule of the Land Revenue Rules, re-lating to levy of water rates. I request you to kindly have the figures "32" corrected into "33".

Your truly,

B Venkoba Rao

Asst. to Rev.Commissioner

Pet.Geo.D'Souza,Esq.,B.A.,B.L.,
Under Secretary to Govt.,
Genl.& Rev.Deptt.

17 4 Copies 137

G.R.S. 28]

File No 236-97
Serial No 27

Diary No. of letter replied to 4725

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 190

Date of issue 15-11-12

gned by

READ again :- Govt order No 22914-20-R 3327 dated the 11th June 1895 directing that steps be taken for the recovery of damage contribution and water-rate from the Inamdars on their respective Inam lands benefited by the extension of the Madhavamantri or Holeal channel in the Malavalli Taluk

ORDER THEREON.—NO.

Read :- Petition dated the 2d July 1898 from the mother and guardian of the Minor

over

SUBJECT

Jaghirdar of Swamimandan
representing that the jaghirdar
was liable to pay to Govt only a
proportionate share of the cost
of extending the channel into the
Jaghir village of Balakavadi,
and not any acreage Contribution
and water-rate, which he was
entitled to recover from his ryots,
as the channel was not a new
source of irrigation created by
Govt for the wet lands of the village;
and the old channel, which had
fallen into disuse was merely
restored.

Also — Correspondence ending
with letter No. 3782 dated the
13th Decr 1909 from the Revenue
Commr-in-Mysore, submitting
a report with his opinion, with
reference to the Jaghirdar's further
representation in the matter.

Order thereon :—

At the time the extension

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

The Federal channel drawn from the Kadavarmatti anicut is an improved and extended of the Belakvadi village belonging to the Jaigirdar of Sirsi amended in the year 1858-59. Before the channel was opened the extent of wet land in the village was 152 acres according to the Cadastral Survey 31 guntas and those depended for their water supply on the Belakvadi tank. The channel is connected with the Belakvadi tank and a permanent supply has thus been secured to it by the enlarging the channel the water supply to the land has not only been considerably improved but a large area of dry land has been converted into wet. It is calculated that the total extent of dry lands converted into wet is 232 acres 20 guntas and of these 184 acres 23 guntas are irrigated direct

by the channel and the remainder by acres 37 from the tank which is fed by the channel. Under the rules in force when ~~land in an Indian village~~ Govt undertakes to construct any tank & irrigation from which land in an Indian village can be supplied with water the land owner is bound to pay an acreage contribution on the total area of dry land converted into wet by the aid of a water-rate which is fixed at Rupees 4 per acre under Rule 33 of the Land Revenue Rules. When the irrigation is supplied wholly at Government expense from a Government irrigation channel drawn from a river and the same principles regarding payment of contributions and water-rate are held to be applicable to lands when they are supplied with water from a new source, or the original source itself has been improved by the new tank & irrigation.

0
G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

The Jakayridan Kwa amudiu will require basis to pay compensation and interest not only on the area newly converted into but to also on the area of wetland whose watersupply is caused to be precarious by the extension of the channel

3. The Jakayridan however contends that he is liable only to pay the proportionate cost for extending the channel into his village and not any further inasmuch as interest on the channel that is intended is not new but merely a deepening of the existing channel which has through neglect fallen into disuse and from which the dams in the main village originally depended for their watersupply rights

4. At the time the extension of the channel was undertaken by Gat the present Jakayridan for a premium and the Jakayridan village including Belakwara were being managed by his

own mother and guardian.
The Jahagir Agent who
has consulted in the matter
before the work was sanctioned
stated that if it was
considered advantageous to
the Jahagirdar to extend
the channel in the Belekeri
village the work might
be carried out the
rights of the village also
reserved for the extension
of the channel and executed
Mutchalika agreeing to
pay annual contribution at the rate of 15 Rs. per acre
watered in respect of
the land likely to be
benefited thereby. The
project which was
brought also to 4 other
villages was therefore sanctioned
5 When contribution &
waterrate were demanded
however the Jahagirdar's
mother objected and as
the relied on the existence
of a previous channel,
the matter was locally
investigated and as no
such channel could be
found, the party ~~consulted in~~ 15

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

entered into correspondence
referred the matter to
the Land Judge
in 1904 by the Jafrabad
to them under their case
They have also submitted
that the Jafrabad claim
has remarkable and a
the Jafrabad had attained
his majority and assumed
the management of the
Jafrabad villages before certain
details could be settled
and the Agent has
given to him to urge
his objections. After
considerable delay the
Jafrabad has finally
reiterated the arguments
that were urged above
briefly and produced a
copy of the award and
certain old accounts
and other papers in
support of his contention
that the
that no such award has
has been issued but the old
award which has in
existence when the village
was granted a Sanad
was in 1829 only

in 1906

in his representation to the Dy Commr

MGCPB—30,000—5-4-05.

~~revised~~. In the letter
read above the Rev Commr
has subjected these documents
to detailed criticism and
I can't agree with him
in the inference that
beyond a mere presumption
that there may have been
some channel in the locality
at some remote time there
is nothing in the record to
show that any such channel
existed when the village was
founded as main and that
the land in the village had at that time or subsequently thereto
any other source besides the
Belakwadi tank for their
irrigation. The claim of the
before the new channel was opened.
Jahagirdar for exemption
from payment of acreage
contribution and watercess cannot
therefore to be ~~rejected~~ sustained
A considerable additional
value has been imparted
to the ~~holding~~ entire mouzah by the extension
the Jahagirdar has not only
been directly benefited but
he can also reimburse himself
for any extra payment he
is called upon to make under S 56 cl(c)
of the Land Rev Code.

(147)

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

6 As to the correct extent of wet cultivation in the village prior to the opening of the channel it has been clearly pointed out by the Revenue Commissioner that in mentioning 77 1/8 Kandayams as the extent of wet cultivation at the time of the grant of the Inam title Jotagiridar has mistaken a Kandayam for a Kani and that in no year up to the date of the survey settlement (1852-53) the wet extent was more than 49 Kandis as the extent recorded in 1829 being 45 1/2 Kandis or 77 1/2 Kanis equal to 102 1/2 Varas The extent clarified and recorded as set by the Survey dept prior to the opening of the channel viz. 152 acres 31 guntas will be adopted for the purpose of calculating the enhancement and betterment.

MGCPB—30,000—5-4-05.

7. There is no difficulty as to the acreage contribution and watermate to be levied in respect of lands newly connected with water by the extension of the channel. The rate of contribution agreed to be paid in the works is Rs 15 per acre ~~and~~ the watermate is Rupees 4 per acre under the rule. In the case of lands already classed as wet such in consideration of the fact that these lands have not been supplied with an assured ~~any~~ new source of irrigation but have their original source freed from all risk of failure are prepared to accept the recommendation of the Div Comm and the Dy Comm to reduce the acreage contribution to be levied to Rs 7-8-0 per acre. As regards the water-rate to be levied on these lands, though under

This was fixed specially at a low rate when the work was undertaken

The Dy Comm's recommendation to revise watermate and acreage contribution at these rates on lands newly supplied with water is sanctioned.

in any year by the tank not filling

(147

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

Govt observe that Rule 33 makes no distinction between land newly irrigated and those which have merely additional means of irrigation provided for them. It seems that it would be inequitable to demand the same betterment in both cases for it is considered that in the latter case should be fixed proportionately ~~only~~ solely with reference to the actual additional value imparted to the holding and this could be fairly represented by the difference between the original and new valuation on the land for the purpose of which is that the difference between the old and new assessment should be levied as estimated from the data regarding the respective old actual as recommended by the Revenue Boards will in no way interfere with the levying of irrigation cess on all wet lands which is

GCPB—30,000—5-4-05.

appropriated for the
maintenance of the channel

9 The Dy Commr is
requested to furnish to the
Jurisdiction at an early
date all sums due by
him on all accounts in
connection with the above
channel & to take steps to
recover the same. A
detailed statement should
also be furnished to GOI
for their information. The
Dy Commr is requested further
to report whether arrears
contributions have been fully
received in the other four
villages Ifrasal, Bhadradi
Kajhipura & Kanpasan &
what the outstandings if
any are in each of the
above villages

Secret

28/7/40

The Rev Commr
The Comptr
The Ch Engr
The Jurisdiction Surveyor

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ AGAIN—

Government Order No. 22919-20—R. 3327, dated the 11th June 1895, directing that steps be taken for the recovery of acreage contribution and water-rate from the inamdars or their raiyats in respect of the inam lands benefited by the extension of the Madhavamantri (or Holesal) channel in the Malvalli Taluk.

READ—

Petition dated the 2nd February 1898, from the mother and guardian of the then minor Jahgirdar of Sivasamudram, representing that the Jahgirdar was liable to pay to Government only a proportionate share of the cost of extending the channel into the Jahgir village of Belakavadi and not any additional acreage contribution and water-rate, as the channel was not a new source of irrigation created by Government for the wet lands of the village, and the old channel, which had fallen into disuse, was merely restored.

ALSO—

Correspondence ending with letter No. 5982, dated the 13th December 1909, from the Revenue Commissioner in Mysore, submitting a report with his opinion, with reference to the Jahgirdar's further representation in the matter.

No. R. 2635-8—L. R. 236-97-21, DATED BANGALORE, 15TH NOVEMBER 1912.

ORDER THEREON.—The Holesal channel drawn from the Madhavamantri anikat was improved and extended to the Belakavadi village belonging to the Jahgirdar of Sivasamudram, in the year 1898-99. Before the channel was opened, the extent of wet lands in the village was 152 acres and 31 guntas according to the Quit-rent Register; and these depended for their water-supply on the Belakavadi tank. The channel has been led into the Belakavadi tank and a permanent supply has thus been assured to it. By the extension of the channel, the water-supply to these lands has not only been considerably improved, but a large area of dry lands has been converted into wet. It is calculated that the total extent of dry lands so converted into wet is 232 acres and 20 guntas; and of these, 184 acres and 23 guntas are irrigated directly by the channel, and the remainder 47 acres and 37 guntas, from the tank which is fed by the channel. Under the rules in force, when Government construct any work of irrigation from which lands in an inam village can be supplied with water, the inamdar is bound to pay an acreage contribution on the total area of dry lands converted into wet together with a water-rate, which is fixed at Rs. 4 per acre under Rule 33 of the Land Revenue Rules, when the irrigation is supplied wholly at Government expense from a Government irrigation channel drawn from a river; and the same principles regarding the payment of contribution and water-rate are held to be applicable to wet lands when they are either provided with a new source of water-supply or the original source itself has been improved by the new work of irrigation.

2. The Jahgirdar of Sivasamudram will, therefore, be liable to pay contribution and water-rate not only on the area newly converted into wet but also on the area of wet lands, whose water-supply has ceased to be precarious by the extension of the channel.

3. The Jahgirdar, however, contends that he is liable only to pay the proportionate cost for extending the channel into his village and not any further contribution or water-rate, as the channel that was constructed is not a new one but a previously existing channel which had fallen through neglect into disuse, and from which the lands in the inam village originally depended for their water-supply, restored.

4. At the time the extension of the channel was undertaken by Government, the present Jahgirdar was a minor; and the Jahgir villages including Belakavadi were being managed by his own mother and guardian. The Jahgir agent, who was consulted in the matter before the work was sanctioned, stated that, if it was considered advantageous to the Jahgirdar to extend the channel in the Belakavadi village, the work might be carried out. The raiyats of the village also pressed for the extension of the channel and executed mutchalikas agreeing to pay acreage

contribution at the rate of fifteen rupees per acre and water-rate in respect of the lands likely to be benefited thereby. The project which was of benefit also to four other villages was thereupon sanctioned.

5. When contribution and water-rate were demanded, however, the Jahgirdar's mother objected; and as she relied on the existence of a previous channel, the matter was locally investigated, and as no such channel could be found, the Government entered into correspondence with the Court of Wards, Madras, in 1904, as the Jahgirdar was then under their care. They were also of opinion that the Jahgirdar's claim was untenable, and as the Jahgirdar had attained his majority and assumed the management of the Jahgir villages before certain details could be settled, another opportunity was given to him in 1906 to urge his objections. After considerable delay the Jahgirdar in his representation to the Deputy Commissioner has merely reiterated the arguments that were already urged on his behalf, and produced a copy of the sannad and certain old accounts and other papers in support of his contention that the channel that was opened was an old channel, which was in existence when the village was granted as Sarva Inam in 1829.. In the letter read above, the Revenue Commissioner has subjected these documents to detailed criticism and Government agree with him in the inference that beyond a mere presumption that there may have been some channel in the locality at some remote time there is nothing in the record to show that any such channel existed when the village was granted as inam, and that the lands in the village had at that time or subsequently thereto any other source besides the Belakavadi tank for their irrigation before the new channel was opened. The claim of the Jahgirdar for exemption from payment of acreage contribution and water-rate cannot therefore be sustained. As considerable additional value has been imparted to the entire inam village by the extension, the Jahgirdar has not only been directly benefited but he can also reimburse himself for any extra payment he is called upon to make, under Section 86, clause (*c*) of the Land Revenue Code.

6. As to the correct extent of wet cultivation in the village prior to the opening of the channel, it has been clearly pointed out by the Revenue Commissioner that in mentioning 77¼ kandagams as the extent of wet cultivation at the time of the grant of the inam, the Jahgirdar has mistaken a kandagam for a kani and that in no year up to the date of the Survey Settlement (1892-93) the wet extent was more than 49 kandis, the extent recorded in 1829 being 45¾ kandis or 77¼ kanis equal to 102½ acres. The extent classified and recorded as wet by the Survey Department prior to the opening of the channel, *viz.*, 152 acres, and 31 guntas, will be adopted for the purpose of calculating the contribution and water-rate.

7. There is no difficulty as to the acreage contribution and water-rate to be levied in respect of lands newly converted into wet by the extension of the channel. The rate of contribution agreed to be paid by the raiyats is Rs. 15 per acre. This was fixed specially at a low rate when the work was undertaken. The water-rate is Rs. 4 per acre under the rules. The Deputy Commissioner's recommendation to recover water-rate and acreage contribution at these rates on lands newly supplied with water is sanctioned. In the case of lands already classed as wet, Government in consideration of the fact, that these lands have not been supplied with an entirely new source of irrigation but have their original source freed from all risk of failure in any year by the tank not filling, are pleased to accept the recommendation of the Revenue Commissioner and the Deputy Commissioner to reduce the acreage contribution to Rs. 7-8-0 per acre. As regards the water-rate to be levied on these lands, Government observe that Rule 33 makes no distinction between lands newly irrigated and those which have merely additional means of irrigation provided for them. As, however, it would be inequitable to demand the same water-rate in both cases Government consider that in the latter it should be fixed proportionately, solely with reference to the actual additional value imparted to the holding, and this would be fairly represented by the difference between the original and new wet assessment on these lands. Government are, therefore, pleased to direct that the difference between the old and new assessment be levied as water-rate from the Jahgirdar in respect of the old atchkat, as recommended

Land Revenue, dated 15th November 1912.

by the Revenue Commissioner. This order will in no way interfere with the levy of irrigation cess on all wet lands, which is appropriated for the maintenance of the channel.

9. The Deputy Commissioner is requested to intimate to the Jahgirdar at an early date all sums due by him on all accounts in connection with the above channel and to take steps to recover the same. A detailed statement should also be furnished to Government for their information. The Deputy Commissioner is requested further to report whether acreage contribution has been fully recovered in the other four villages, Holsal, Madvadi, Kaglipura and Kirgasur, and what the outstandings, if any, are in each of the above villages.

K. R. SRINIVASIENGAR,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Revenue Commissioner in Mysore.
The Comptroller to Government.
The Chief Engineer of Mysore.
The Jahgirdar of Sivasamudram.

Exd.—C. R.

O G. R. S. 26]

1.4.13

File No. 23

Serial No.

Diary No. of letter replied to

No. R 5537

General and Revenue Secretariat

( )

, *the* 191 .

To

En 5 files, 1 tracing & 1 extract.

The Rev Comm in

Mysore,

Date of issue 3-4-13

Signed by M. C. Venkata Rao

Sir,

In continuation of y. o. R. 2035-8/12, & the 15th Mar 1912, re the contribution payable by the Sivasamudram Jaghirdar on account of the exclusion of the Holegal Channel under his Kaveri village Bolla

over.

SUBJECT.

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